

Barbie Lunsford, RPA
Administrative Assistant



Austin County Appraisal District
979-865-9124 ext. 19
906 E Amelia St
Bellville TX 77418

From: Susan Rosinski <srosinski@austincad.org>
Sent: Friday, August 9, 2019 4:19 PM
To: Barbara Lunsford <blunsford@austincad.org>
Subject: Kent McAllister accounts

From Susan:

At one time we had Kent McAllister's accounts all combined into one account - this included the Town of San Felipe's streets.

Recently we split each of the blocks out as his deeds do not include streets nor do any prior deeds.

have included ACF #61374 where McAllister purchased several lots and ACF #061447 where McAllister purchased numerous lots. You will find attached prior deeds too.

I also included two surveys of the parcels provided by McAllister.

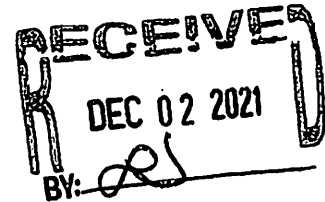
Mr. McAllister has protested and his reasons include property descriptions and property boundaries incorrect. As far as the boundaries I believe he wants the roads taken back in and mapped as a whole.

I do know one account needs to be changed from 2.635 acres to 2.620 acres.

Carmen suggested we have Kyle take a look at what we have and give an opinion.

Kenton (Kent) McAllister
223 Park Rd 38
Sealy, Texas 77474

December 2, 2021



Austin County Appraisal District
906 E Amelia Street
Bellville Texas 77418

Re: Accounts 14042, 71831, 71829, 71830, 17855, 71828, 80241

To Whom It May Concern,

Under the Texas Public Information Act, §6252-17a et seq., I am requesting copies of public records listed below.

1. In the internal memo dated 11-3-2017 from Carmen to Peggy & Susan, Carmen states, "as we've discovered his R14042 is for too much acreage according to his plat and field notes... we've included the streets."

Please provide a copy of the plat used and the field notes referenced in the memo.

2. In the email from Deanne Gonzalez sent to Hector Gomez, with CC to Susan Rosinski on Monday August 5, 2019, Deanne states, "for 14042 it says San Felipe BLDG ADDN, Lot 139-141, please see attachment"

Please provide the attachment referenced.

3. In the email from Susan Rosinski to Deanne Gonzalez sent Monday August 5, 2019 @ 11:00 AM, Susan Rosinski states, "the taxpayer does not own the streets. I have also verified recently with the Town of San Felipe that the taxpayer does not own the streets. He wants it mapped as a whole. (as it was before being changed) Any opinion on this?"

Please provide the documentation Susan Rosinski used to determine that the taxpayer does not own the streets. Also, please provide the documentation provided by the Town of San Felipe to Susan Rosinski verifying the taxpayer does not own the streets.

4. In the email from Deanne Gonzalez to Susan Rosinski sent Tuesday August 6, 2019 @ 2:34 PM, Deanne states, "If the tax payer wants this all merged together, (as it had been all along) he/she needs to go to proper authorities and have them formally vacate the streets."

Please provide the information used to determine the taxpayer didn't own the streets.

5. The same email states, "However, if you want us to merge them together, we can. And this might make the district more money since you'd be taxing more acreage."

Please provide any correspondence, memos, emails or notes related to the decision to continue with the separation of the property into multiple accounts.

6. In the email from Susan Rosinski to Deanne Gonzalez sent Tuesday August 6, 2019 @ 2:38 PM, Suzan Rosinski states, "we have also decided to forward all the info we sent to BIS to our attorneys for a ruling."

Please provide a copy of notes, memos or any other communication sent to the attorneys and a copy of the ruling provided by the attorneys.

Please provide a copy of any correspondence to the taxpayer requesting clarification of street ownership.

If there are any fees for copying these records, please inform me if the cost will exceed \$ 125.00.

The Texas Public Information Act requires that you "promptly produce" the requested records unless, within 10 days you have sought an Attorney General's Opinion. If you expect a significant delay in responding to this request, please contact me with information about when I might expect copies or the ability to inspect the requested records.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Kent McAllister", with a stylized flourish at the end.

Kent McAllister

Austin County Appraisal District
906 E. Amelia St.
Bellville, TX 77418



Telephone: 979-865-9124
Fax: 979-865-3296
e-mail: austincad@gmail.com

December 8, 2021

Kenton McAllister
223 Park Rd 38
Sealy, TX 77474

Re: Request for Copies of Public Records Dated December 2, 2021

Dear Mr. McAllister,

Copies have been enclosed in response to your request for public records. The following addresses each request:

1. Please provide a copy of the plat used and the field notes referenced in the memo.
 - a. Survey Plat and Field Notes – 2 pages total
 - b. ACF #061447 – 5 pages total
2. Please provide the attachment referenced
 - a. Austin McAI.PNG – 1 page total
3. Please provide the documentation Susan Rosinski used to determine that the taxpayer does not own the streets. *(first part of request)*
 - a. See response 1 a. and b.
 - b. Vol. 54 Page 17 – 1 page total
 - c. Vol. 54 Page 457 – 1 page total
 - d. Vol. 231 Page 500 – 4 pages total
 - e. Vol. 231 Page 504 – 4 pages total
 - f. Vol. 274 Page 682 – 3 pages total

Also, please provide the documentation provided by the Town of San Felipe to Susan Rosinski verifying the taxpayer does not own the streets. *(second part of request)*

- a. No such document exists
4. Please provide the information used to determine the taxpayer didn't own the streets.
 - a. See response 1 a. and b.
 - b. See response 3 b., c., d., e. and f.
5. Please provide any correspondence, memos, emails, or notes related to the decision to continue with the separation of the property into multiple accounts.
 - a. Email Correspondence – 8 pages total
 - b. Attachment Austin14042.PNG – 1 page total
 - c. 20190805111226792.pdf – 2 pages total

b. Please provide a copy of notes, memos or any other communication to the attorneys and a copy of the ruling provided by the attorneys. (first part of request)

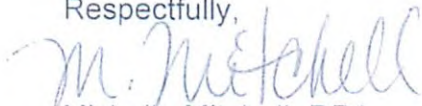
- a. Attorney Email – 25 pages total
- b. Attorney's Attachments – 36 pages

Please provide a copy of any correspondence to the taxpayer requesting clarification of street owners (second part of request)

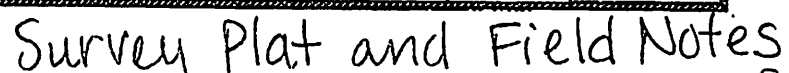
- a. No such document exists

An invoice for copies and the time to locate, compile and reproduce is included. Prompt payment in the amount of \$54.30 is appreciated.

Respectfully,



Michelle Mitchell, RPA
Deputy Chief Appraiser



FRANK SURVEYING CO., INC.

2205 Walnut Street
Columbus, Texas 76934
978.732.9114

STATE OF TEXAS

COUNTY OF AUSTIN

FIELD NOTES of a survey of a 12.666 total acre tract, less 3.48 acre in road and leaving a **NET ACREAGE** of 9.209 acres out of the Old Town of San Felipe, Austin County, Texas. Said 12.666 acre tract being all of Lots 139-141, all of Lots 184-188, and all of Lots 199-204, all of Lots 247-252, and all of Lots 268-270, and also a part of Third Street, a part of Baron De Bastrop Street and a part of Fourth Street as described in a deed dated May 27, 1884, and recorded in Volume 274, Page 681, Austin County Deed Records, and in a deed dated April 8, 1888 to Dawsey W. Walden, recorded in Volume 291, Page 504, of the Deed Records of Austin County, Texas for which reference is made and the said 12.666 total acre tract being described by metes and bounds as follows, TO-WIT:

COMMENCING at a 1/2 inch iron rod set (capped RPLS 1669) for the East corner of Lot 144, same being a East corner of a 2.620 acre tract surveyed also this day, corner being also in the Southwest line of Park Road No. 38, and being also in the Northwest line of Guadalupe Street;

THENCE S 24° 45' 01" W a distance of 332.01 feet with the Northwest line of Guadalupe Street, same being the Southeast line of the said 2.620 acre tract to a 1/2 inch iron rod set (capped RPLS 1669) for the South corner of Lot 181 and the South corner of the said 2.620 acre tract, corner being also a East corner and **POINT OF BEGINNING** of the herein described 12.666 acre tract;

THENCE S 24° 45' 51" W a distance of 651.11 feet with the Northwest line of Guadalupe Street, across Third Street (as platted), with the Southeast line of Lot 204 and Lot 247, across Fourth Street, and with the Southeast line of Lot 270, same being the Southeast line of the herein described tract to a 1/2 inch iron rod set (capped RPLS 1669) for the South corner of Lot 270, corner being also the East corner of Lot 319;

THENCE N 64° 49' 23" W a distance of 338.34 feet with the Southwest line of Lot 270, Lot 269, and Lot 268, same being the Northeast line of Lot 313-315 to a 1/2 inch iron rod set (capped RPLS 1669) for the West corner of Lot 268;

THENCE N 24° 51' 15" E a distance of 163.88 feet with the Northwest line of Lot 268 to a 1/2 inch iron rod set (capped RPLS 1669) for the North corner of Lot 268;

THENCE N 65° 01' 33" W a distance of 404.82 feet across Baron De Bastrop Street (as platted), and with the Southwest line of Fourth Street (as platted), the Northeast line of Lot 267-268 to a 1/2 inch iron rod set (capped RPLS 1669) for the North corner of Lot 268, said corner being also the West corner of the herein described 12.666 acre tract and being also in the Southeast line of Antonio Martinez Street;

THENCE N 24° 26' 48" E a distance of 819.69 feet with the Southeast line of Antonio Martinez Street, across Fourth Street and with the Northwest line of Lot 252, Lot 199, across Third Street (as platted) and with the Northwest line of Lot 188, and Lot 139 to a 1/2 inch iron rod set (capped RPLS 1669) for the North corner of Lot 139, corner being also in the Southwest line of Park Road No. 38, corner being also the North corner of the herein described tract;

THENCE S 64° 57' 00" E a distance of 402.78 feet with the Southwest line of Park Road No. 38, same being the Northeast line of Lot 139-141 and across Baron De Bastrop Street to a 1/2 inch iron rod set (capped RPLS 1669) for the North corner of Lot 142, corner being also the North corner of the said 2.620 acre tract;

THENCE S 24° 24' 57" W a distance of 332.14 feet with the Southeast line of Baron De Bastrop Street, same being the Northwest line of Lot 142 and Lot 169 to a 1/2 inch iron rod set (capped RPLS 1669) for the West corner of Lot 183, corner being also in the Northeast line of Third Street;

THENCE S 64° 52' 07" E a distance of 342.44 feet with the Northeast line of Third Street, same being the Southwest line of Lot 188-181 to the **PLACE OF BEGINNING**, containing 12.666 acres of land, **LESS AND EXCEPT 3.48** acre in abovesaid streets leaving a **NET ACREAGE** of 9.209 acres.

Survey Plat to accompany Field Notes.

Project No. 05-143A

All bearings are based on the Northeast line of a 12.666 acre tract surveyed also this day by Frank Surveying Co., Inc. and described on a survey plat made by D.R. Muzzy on May 2, 1883.

IN WITNESS THEREOF, my hand and seal, this the 11th day of January 2008.



Page 1 of 1

For Frank Surveying Co., Inc.
By: Leonard W. Frank, RPLS
Registration No. 1669
Colorado County Surveyor

Survey Plat and Field Notes

BAL-5
21(5)

061447

(7F 34978
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WARRANTY DEED

NOTICE OF CONFIDENTIALITY RIGHTS: If you are a natural person, you may remove or strike any or all of the following information from this instrument before it is filed for record in the public records: your social security number and your driver's license number.

STATE OF TEXAS

COUNTY OF AUSTIN

KNOW ALL MEN BY THESE PRESENTS:

THAT BRENNER FAMILY LIMITED PARTNERSHIP, a Texas limited partnership ("Grantor"), acting by and through its General Partners who are Lawrence Brenner and Louise Brenner, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other valuable consideration to the undersigned paid by the Grantee herein named, the receipt of which is hereby acknowledged, and the further consideration of the execution and delivery by Grantee of his one certain promissory note of even date herewith, in the principal sum of Sixty Thousand and No/100 Dollars (\$60,000.00), payable to the order of Grantor, as therein provided and bearing interest at the rates therein specified, containing the usual clauses providing for acceleration of maturity and for attorney's fees, the payment of which note is secured by a Vendor's Lien herein retained and is additionally secured by a Deed of Trust, of even date herewith, to Sidney Levine, Trustee, have GRANTED, SOLD and CONVEYED, and by these presents do GRANT, SELL and CONVEY unto KENTON J. McALLISTER, a resident of Harris County, Texas ("Grantee"), whose mailing address is 5906 Pine Lakes Drive, Katy, Texas 77493-3543, all of the following described property in Austin County, Texas (the "Property"), to-wit:

9.209 acres of land (being 12.666 acres less 3.46 acres in road) out of the Old Town of San Felipe, Austin County, Texas, being more particularly described in EXHIBIT "A" attached hereto and made a part hereof for all intents and purposes.

This conveyance is made and accepted SUBJECT TO the following:

1. Fourth Street, Third Street and Baron De Bastrop Street as shown on survey plat dated May 26, 2005, by Frank Surveying Co., Inc.

C:\DATA\RealEstate\Owner Finance\Brenner McAllister
mcd 110502.dwg 03/07/06 mcd

-1-

ACF # 061447

1 of 5

2. An undivided $\frac{1}{2}$ royalty interest reserved in the Deed from Ida Louise Fort, et al, to Dewey W. Walden, dated April 5, 1957, recorded in Volume 231, Page 504, Deed Records of Austin County.

RESTRICTION

No mobile home, manufactured home, and/or modular home may be located on the Property at any time.

This restriction shall be for a term of twenty-five (25) years immediately following the date of this deed and shall be enforced by Grantor, its successor and assigns. At the end of such term, this restriction shall be of no further force or effect.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said Grantee, his heirs, executors, administrators, successors, or assigns forever; and Grantor hereby binds itself and its successors to WARRANT AND FOREVER DEFEND all and singular the said Property unto the said Grantee, his heirs, executors, administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

But it is expressly agreed that the Vendor's Lien, as well as the Superior Title in and to the Property, is retained against the Property, premises and improvements until the above described note and all interest thereon are fully paid according to the face, tenor, effect and reading thereof, when this Deed shall become absolute.

Ad valorem taxes on the Property for 2006 having been prorated, the payment thereof is assumed by Grantee

EXECUTED this 10th day of March, 2006.

BRENNER FAMILY LIMITED PARTNERSHIP

BY:

Lawrence Brenner
LAWRENCE BRENNER, General Partner

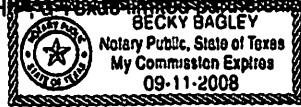
BY:

Louise Brenner
LOUISE BRENNER, General Partner

STATE OF TEXAS

COUNTY OF AUSTIN

This instrument was acknowledged before me on the 10th day of March, 2008, by LAWRENCE BRENNER, General Partner, on behalf of BRENNER FAMILY PARTNERSHIP, a Texas limited partnership.

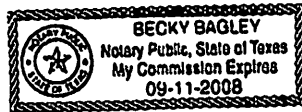


[Signature]
Notary Public, State of Texas

STATE OF TEXAS

COUNTY OF AUSTIN

This instrument was acknowledged before me on the 10th day of March, 2008, by LOUISE BRENNER, General Partner, on behalf of BRENNER FAMILY PARTNERSHIP, a Texas limited partnership.



[Signature]
Notary Public, State of Texas

ACF #061447
3 of 5

FRANK SURVEYING Co., INC.
2205 Walnut Street
Columbus, Texas 78504
979.732.3114

STATE OF TEXAS

COUNTY OF AUSTIN

FIELD NOTES of a survey of a 12,666 total acre tract, less 3.46 acre in road and leaving a **NET ACREAGE** of 9,200 acres out of the Old Town of San Felipe, Austin County, Texas. Said 12,666 acre tract being all of Lots 139-141, all of Lots 184-186, and all of Lots 189-204, all of Lots 247-252, and all of Lots 268-270, and also a part of Third Street, a part of Baron De Bastrop Street and a part of Fourth Street as described in a deed dated May 27, 1954, and recorded in Volume 274, Page 881, Austin County Deed Records, and in a deed dated April 3, 1955 to Dewey W. Walden, recorded in Volume 291, Page 504, of the Deed Records of Austin County, Texas for which reference is made and the said 12,666 total acre tract being described by metes and bounds as follows, TO-WIT:

COMMENCING at a 1/2 inch iron rod set (capped RPLS 1668) for the East corner of Lot 144, same being a East corner of a 2.620 acre tract surveyed also this day, corner being also in the Southwest line of Park Road No. 38, and being also in the Northwest line of Guadalupe Street;

THENCE S 24° 45' 01" W a distance of 332.01 feet with the Northwest line of Guadalupe Street, same being the Southeast line of the said 2.620 acre tract to a 1/2 inch iron rod set (capped RPLS 1669) for the South corner of Lot 181 and the South corner of the said 2.620 acre tract, corner being also a East corner and **POINT OF BEGINNING** of the herein described 12,666 acre tract.

THENCE S 24° 45' 51" W a distance of 551.11 feet with the Northwest line of Guadalupe Street, across Third Street (as platred), with the Southeast line of Lot 204 and Lot 247, across Fourth Street, and with the Southeast line of Lot 270, same being the Southeast line of the herein described tract to a 1/2 inch iron rod set (capped RPLS 1669) for the South corner of Lot 270, corner being also the East corner of Lot 313;

THENCE N 64° 49' 23" W a distance of 338.34 feet with the Southwest line of Lot 270, Lot 269, and Lot 268, same being the Northeast line of Lot 313-315 to a 1/2 inch iron rod set (capped RPLS 1669) for the West corner of Lot 268;

THENCE N 24° 51' 15" E a distance of 183.85 feet with the Northwest line of Lot 268 to a 1/2 inch iron rod set (capped RPLS 1668) for the North corner of Lot 268;

THENCE N 65° 01' 35" W a distance of 404.62 feet across Baron De Bastrop Street (as platred), and with the Southwest line of Fourth Street (as platred), the Northeast line of Lot 267-265 to a 1/2 inch iron rod set (capped RPLS 1669) for the North corner of Lot 265, said corner being also the West corner of the herein described 12,666 acre tract and being also in the Southeast line of Antonio Martinez Street.

THENCE N 24° 25' 48" E a distance of 819.69 feet with the Southeast line of Antonio Martinez Street, across Fourth Street and with the Northwest line of Lot 252, Lot 189, across Third Street (as platred) and with the Northwest line of Lot 185, and Lot 139 to a 1/2 inch iron rod set (capped RPLS 1669) for the North corner of Lot 139, corner being also in the Southwest line of Park Road No. 38, corner being also the North corner of the herein described tract;

THENCE S 64° 57' 00" E a distance of 402.79 feet with the Southwest line of Park Road No. 38, same being the Northeast line of Lot 139-141 and across Baron De Bastrop Street to a 1/2 inch iron rod set (capped RPLS 1669) for the North corner of Lot 142, corner being also the North corner of the said 2.620 acre tract;

THENCE S 34° 24' 57" W a distance of 332.14 feet with the Southeast line of Baron De Bastrop Street, same being the Northwest line of Lot 142 and Lot 183 to a 1/2 inch iron rod set (capped RPLS 1669) for the West corner of Lot 183, corner being also in the Northeast line of Third Street;

THENCE S 64° 52' 07" E a distance of 342.44 feet with the Northeast line of Third Street, same being the Southwest line of Lot 103-181 to the **PLACE OF BEGINNING**, containing 12,666 acres of land, **LESS AND EXCEPT** 3.46 acre in above said streets leaving a **NET ACREAGE** of 9,200 acres.

Survey Plat to accompany Field Notes

Project No. 05-143A

All bearings are based on the Northeast line of a 12,666 acre tract surveyed also this day by Frank Surveying Co., Inc. and described on a survey plat made by D.R. Muzzy on May 2, 1955.

IN WITNESS THEREOF, my hand and seal, this 11th day of January 2006.



For Frank Surveying Co., Inc.
By: Leonard W. Frank, RPLS
Registration No. 1669
Colorado County Surveyor

Page 1 of 1

EXHIBIT 6A29

ACF # 061447
4 of 5

LAST PAGE OF DOCUMENT

(The bottom portion of this page
is for recording purposes only)

FILED
06 MAR 15 PM 3:09
Carrie Gregor
COUNTY CLERK
AUSTIN COUNTY, TEXAS

STATE OF TEXAS

COUNTY OF AUSTIN

I certify that this instrument was filed on the date and
time stamped by me and was duly RECORDED in the
OFFICIAL PUBLIC RECORDS OF AUSTIN COUNTY, TEXAS.



Carrie Gregor
Carrie Gregor, County Clerk
Austin County, Texas

061447

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ACF # 06144
5 of 5

5500	14042	2020	MCALLISTER KENT	SAN FELIPE BLDG ADDN	LOT 139-141, 184-186	2,635
0435	71828	2020	MCALLISTER KENT	SAN FELIPE BLDG ADDN	LOT 268-270	1,273
0436	71829	2020	MCALLISTER KENT	SAN FELIPE BLDG ADDN	LOT 189-204, 250-252	2,658
0437	71830	2020	MCALLISTER KENT	SAN FELIPE BLDG ADDN	LOT 202-204, 247-249	2,635
0438	71831	2020	MCALLISTER KENT	SAN FELIPE BLDG ADDN	LOT 142-144, 181-183	2,635
8888	17855	2020	MCALLISTER KENT	SAN FELIPE BLDG ADDN	LOT 142-144, 181-183	2,635
						2,635

Austin McAl. PNG

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(15.)

for the purposes and consideration therein expressed.

Given under my hand and seal of office, this 24 day of August, 1917.

(Seal)

Jas. O. Scott Notary Public, Hill Co. Texas.

Filed for record at 8:00 o'clock A.M., September 2nd., A.D., 1918, and recorded at 11:45 o'clock A.M., September 6th., A.D., 1918. *E. O. Scott*, Clerk Co. Court, Austin Co. Texas.

(16. Dood. Kate Robertson, et al., to Clinton Ford.)

(\$1.50 revenue stamps attached and cancelled.)

The State of Texas,)

County of Austin)

Know all Men by these Presents: That we, Mrs. Katherine Robertson, a feme sole, and daughter, Miss Willie Fay Robertson, a feme sole, residents of the County of Austin State of Texas for and in consideration of the sum of One Thousand Two Hundred and no/100 Dollars, to us in hand paid by Clinton Ford as follows, to-wit: The sum of One Thousand Two Hundred Dollars cash in hand paid, the receipt whereof is hereby fully acknowledged, have Granted, Sold and Conveyed, and by these presents do Grant, Sell and Convey, unto the said Clinton Ford of the County of Austin State of Texas, all that certain lots of land as follows, to-wit: Lots Nos. 142, 143, 151, 152, 153, 202, 203, 204, 247, 248, 249, 266, 269, 270, 139, 140, 141, 154, 155, 156, 199, 200, 201, 250, 251 and 252 of the San Felipe Town as shown upon the map of the plan of the said town, all in Austin County, Texas. Being the same property and premises set apart to said Mrs. Katherine Robertson, and daughter, Willie Fay Robertson, by decree of the Austin County District Court, June 26th, A.D. 1901, and of record in Vol. L pages 84-85-86-87 and 88, in cause No. 3845 upon the docket of the said Court, to which reference is here made for further designation and description of said several lots. To have and to hold the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said Clinton Ford, his heirs and assigns forever, and we do hereby bind ourselves, our heirs, executors and administrators, to Warrant and Forever Defend, all and singular the said premises unto the said Clinton Ford, his heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Witness our hands at Seely, Texas this 26th day of August A.D. 1918.

Witnesses at Request of Grantor

(signed) Katherine Robertson

Willie Fay Robertson

The State of Texas,)

County of Austin)

Before me, the undersigned authority, a Notary Public in and for Austin County, Texas, on this day personally appeared Mrs. Katherine Robertson and Miss Willie Fay Robertson known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this 26th day of August A.D. 1918.

(Seal) 1237

O. O. Glenn Notary Public, Austin County, Texas.

Filed for record at 8:00 o'clock A.M., September 2nd A.D., 1918, and recorded at 2:00 o'clock P.M., September 16th., A.D., 1918.*E. O. Scott*, Clerk Co. Court, Austin Co., Texas.Vol. 54
Page 17

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(411).

same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this 23 day of Dec. A. D. 1919.

(seal)

Jno. G. Matejka, Notary Public, Austin Co. Tex.

The State of Texas,)

County of Austin.) Before me, Jno. G. Matejka a Notary Public in and for Austin County, Texas, on this day personally appeared Chas. Branicky and Mary Branicky his wife, both known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they each executed the same for the purposes and consideration therein expressed and the said Mary Branicky wife of the said Chas. Branicky having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said Mary Branicky acknowledged such instrument to be her act and deed, and she declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

Given under my hand and seal of office, this 23 day of Dec. A. D. 1919.

(seal)

Jno. G. Matejka, Notary Public, Austin Co. Tex.

Filed for record this 27 day of Jan. A. D. 1920 at 1:30 o'clock P.M., and recorded at 2:15 o'clock P.M. Jan. 28th, A. D. 1920, *Ed. Bell* Clerk, C.O.A.C.T. By *Emma B. Quinn* Deputy.

(412. Deed. F. B. Magruder to Clinton Fort.)

The State of Texas,)

County of Tarrant.) Know All Men by These Presents: That I, F. B. Magruder, a single man of the County of Tarrant State of Texas, in consideration of the sum of Twenty Dollars paid by Clinton Fort, of Austin County, Texas, the receipt of which is hereby fully acknowledged, have granted, sold and conveyed, and by these presents do grant, sell and convey unto the said Clinton Fort of the County of Austin and State of Texas ~~all that certain~~ tract or parcel of land lying and being situated in the old town of San Felipe and being lot number 14 in block number as shown by plat of said town of San Felipe, Texas, of record in deed records of Austin County, Texas, to which reference is hereby made for all purposes. To have and to hold the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said Clinton Fort and his heirs and assigns, forever. And I do hereby bind myself and heirs, executors and administrators, to warrant and forever defend all and singular, the said premises unto the said Clinton Fort and his heirs and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof.

Witness my hand at Fort Worth, Texas this 30th day of September A. D. 1919.

The State of Texas,)

(signed) F. B. Magruder.

County of Tarrant.) Before me, U. C. Gosssett a Notary Public in and for Tarrant County, Texas, on this day personally appeared Dr. F. B. Magruder, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this 30th day of September, A. D. 1919.

(seal)

U. C. Gosssett, a Notary Public in and for Tarrant County, Texas.

Filed for record the 28th day of January, A. D. 1920 at 1:00 o'clock A.M., and recorded at 2:15 o'clock P.M. January 28th, A. D. 1920, *Ed. Bell* Clerk, C. O. A. C. T.

By *Emma B. Quinn* Deputy.Vol. 54
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I, J. L. Stearns, Clerk of the District Court in and for Austin County, Texas, do hereby certify that the above and foregoing is a true and correct copy of the JUDGMENT in Cause No. 8369, entitled "IN THE MATTER OF THE REMOVAL OF THE DISABILITIES OF MINORITY OF JOHN LEE SPIES, A MINOR", as same appears of record on page 12 of Vol. T of the 22nd Minutes of the District Court of Austin County, Texas. I do hereby certify which, witness my hand and the seal of said court at Bellville, Texas, this 2nd day of May, A.D. 1957.

J. L. Stearns
Clerk, District Court, Austin County, Texas.

Filed for Record on the 2nd. day of May, A. D. 19 57, at 1:30 o'clock P.M.

Duly Recorded this the 2nd. day of May, A. D. 19 57, at 3:24 o'clock P.M.

LAWRENCE DITTERT, County Clerk

Austin County, Texas

By *Lawrence Dittert* Deputy

(File No. 726 - Resolution - Corporation of San Felipe de Austin to Ida Louise Fort, et al.)

THE STATE OF TEXAS)

COUNTY OF AUSTIN)

WHEREAS, heretofore on the 26th. day of June A. D. 1901, In-Lots Numbered 139, 140, 141, 184, 185, 186, 199, 200, 201, 202, 203, 204, 247, 248, 249, 250, 251, 252, 268, 269 and 270, of the Town of San Felipe de Austin, Texas, being a part of the estate of J. E. Robertson, deceased, was partitioned to Kathryn Robertson and Willie Fay Robertson by decree of the Austin County District Court, recorded in Vol "L", pages 84, 85, 86, 87 and 88;

AND WHEREAS, on the 26th. day of August 1918, the said Kathryn Robertson and Willie Fay Robertson conveyed to Clinton Fort the above described lots by deed recorded in Vol. 54, page 17, Deed records of Austin County, Texas;

AND WHEREAS, the chain of title to said In-Lots 139, 140, 141, 184, 185, 186, 199, 200, 201, 202, 203, 204, 247, 248, 249, 250, 251, 252, 268, 269, and 270 to the present owners, to-wit, the heirs of the Clinton Fort Estate, namely Mrs. Ida Louise Fort, Emily Ellen Selman, Helen Blanche Hilton, Roy Clinton Fort and Edward E. Fort, is continuous and same has been held adversely to all claimants by the said Kathryn Robertson and Willie Fay Robertson, and their successors in title, more than fifty years;

AND WHEREAS, there does not appear of record in the Deed records of Austin County, Texas, a deed of conveyance from the Corporation of San Felipe de Austin to anyone covering the above described In-Lots, however it is the opinion of the Council duly

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assembled in regular meeting that a preceding Council of this Corporation did sell the said in-lots, 139, 140, 141, 184, 185, 186, 199, 200, 201, 202, 203, 204, 247, 248, 249, 250, 251, 252, 268, 269 and 270, to a predecessor in title of Mrs. Ida Louise Fort, Emily Ellen Selman, Helen Blanche Hilton, Roy Clinton Fort and Edward E. Fort;

AND WHEREAS, it is the desire of the Town Council, upon the request of Mrs. Ida Louise Fort, et al, that a Quit Claim Deed be executed, divesting the Corporation of San Felipe de Austin of all right, title and interest it may have in said in-lots heretofore described, and investing such title, interest and rights in the said (Mrs.) Ida Louise Fort, Emily Ellen Selman, Helen Blanche Hilton, Roy Clinton Fort and Edward E. Fort:

"NOW, THEREFORE, be it resolved by the Mayor and Board of Aldermen of the Corporation of San Felipe de Austin, a municipal corporation of Austin County, Texas, in regular meeting assembled on the 13th. day of April A. D. 1957, a quorum being present, that the Mayor of the Corporation of San Felipe de Austin, in consideration of the premises, execute a Quit Claim Deed to the above described in-lots, and that the said Quit Claim Deed when executed by the Mayor, shall be attested by the Secretary of the Corporation of San Felipe de Austin and its official seal impressed thereon, thereby divesting all right, title and interest that it may have in said in-lots out of the Corporation of San Felipe de Austin and investing such right, title and interest in the said (Mrs.) Ida Louise Fort, Emily Ellen Selman, Helen Blanche Hilton, Roy Clinton Fort and Edward E. Fort.

THEREFORE, upon motion duly made and seconded and carried, it is ordered that a copy of this Resolution be acknowledged by the Mayor and attested by the Secretary of the Corporation of San Felipe de Austin, entered in the Minute Book of the Corporation of San Felipe de Austin and a copy of this Resolution delivered to the said Ida Louise Fort, et al, together with a Quit Claim Deed as set out herein-above.

DONE AND CERTIFIED TO as the action of the Council of the Corporation of San Felipe de Austin, this the 13th. day of April, A. D. 1957.

CORPORATION OF SAN FELIPE DE AUSTIN

By E. F. Rappalver
E. F. Rappalver, Mayor of the Corporation
of San Felipe de Austin.

ATTEST:

Clara H. Craig

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that, the Corporation of San Felipe de Austin, a municipal corporation of Austin County, Texas, for and in consideration of the sum of five (\$5.00) Dollars, to it in hand paid by Ida Louise Port of Austin County, Texas; Emily Ellen Selman of Caddo Parish, Louisiana; Helen Blanche Hilton of Anderson County, Texas; Roy Clinton Port of Anderson County, Texas; and Edward E. Port of Lubbock County, Texas; receipt of which is hereby acknowledged, does, by these presents, BARGAIN, SELL, RELEASE AND FOREVER QUIT CLARK into the said Ida Louise Port, Emily Ellen Selman, Helen Blanche Hilton, Roy Clinton Port and Edward E. Port, their heirs and assigns, all its right, title and interest in and to those certain lots, lying within the corporate limits of the Town of San

(File No. 727 - Quotations Book - Corporation of San Felipe de Austin
THE STATE OF TEXAS)
KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF AUSTIN)

Filed for Record on the 2nd day of May, A.D. 1957, at 3:00 o'clock P.M.
Duly Recorded this the 2nd day of May, A.D. 1957, at 3:43 o'clock P.M.
By LAWRENCE DITTELI, County Clerk
Austin County, Texas
Deputy

(W. D. Bryan,) Notary Public in and for Austin
County, Texas.



Given, A. D. 1957.

GIVEN under my hand and seal of office this the 30th day of

therein stated.

thereto stated. purposes and consideration therein expressed and in the capacity and that he executed the same as the act of said corporation for the the same was the act of the said Corporation of San Felipe de Austin, is subscribed to the foregoing instrument and acknowledged to me that County, Texas, known to me to be the person and officer whose name Corporation of San Felipe de Austin, a Municipal Corporation of Austin Texas, on this day personally appeared R. F. Hapsilver, Mayor of the BEFORE ME, the undersigned authority in and for Austin County,

THE STATE OF TEXAS)
COUNTY OF AUSTIN)

Ida Louise Port, Emily Ellen Selman, Helen Blanche Hilton, Roy Clinton Port and Edward E. Port, their heirs and assigns, all its right, title and interest in and to those certain lots, lying within the corporate limits of the Town of San

Felipe de Austin, in Austin County, Texas, and more fully described as follows, to wit:

In-lots Numbered 139, 140, 141, 184, 185, 186, 199, 200, 201, 202, 203, 204, 247, 248, 249, 250, 251, 252, 268, 269 and 270; being a part of the original grant by the Mexican Government to the municipal authorities of the Town of San Felipe de Austin;

TO HAVE AND TO HOLD, the said premises together with all and singular the rights, privileges and appurtenances thereto in any manner belonging, unto the said Ida Louise Fort, Emily Ellen Selman, Helen Blanche Hilton, Roy Clinton Fort and Edward E. Fort, their heirs and assigns, forever, and that the Corporation of San Felipe de Austin, nor any person claiming under it, shall, at any time hereafter, have, claim or demand any right or title to the aforesaid premises and appurtenances, or any part thereof.

IN WITNESS WHEREOF, the Corporation of San Felipe de Austin has caused these presents to be signed by E. F. Rapsilver, its Mayor, and attested by Clara L. Craig, its Secretary, on this, the 30th day of April A. D. 1957.

CORPORATION OF SAN FELIPE DE AUSTIN

By

E. F. Rapsilver
E. F. Rapsilver, Mayor.

ATTESTED:

Clara L. Craig
Clara L. Craig, Secretary.

THE STATE OF TEXAS)

COUNTY OF AUSTIN)

BEFORE ME, the undersigned authority, a Notary Public, in and for Austin County, Texas, on this day personally appeared E. F. Rapsilver, Mayor of the Corporation of San Felipe de Austin, known to me to be the person and officer whose name appears and is subscribed on the foregoing instrument, and acknowledged to me that the same was the act of the Corporation of San Felipe de Austin, a municipal corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed and in the capacity therein stated.

WITNESS under my hand and seal of office, this the 30th day of April A. D. 1957.

W. D. B. Ryan (W. D. B. Ryan)
Notary Public in and for Austin County, Texas.

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Recorded in Vol. 221, p. 504	By, _____	A.D. 1957, at 3:00 o'clock P.M.
Duly Recorded in Vol. 221, p. 504	By, _____	A.D. 1957, at 3:45 o'clock P.M.
LAWRENCE DITTERT, County Clerk		
Austin County, Texas		
By, _____	Deputy	



(File No. 728 - Deed - Ida Louise Fort, et al, to Dewey W. Walden)

THE STATE OF TEXAS
COUNTY OF AUSTIN

KNOW ALL MEN BY THESE PRESENTS: That we, Ida

Louise Fort, a widow, being the surviving wife of Clinton Fort, deceased, of Anderson County, Texas; Emily Ellen Selman, joined herein by my husband, H. H. Selman, of Belle Parish, Louisiana; Helen Blanche Hilton, joined herein by my husband, G. H. Hilton, of Anderson County, Texas; Roy Clinton Fort, joined herein by my wife, Lyle Belle Fort, of Anderson County, Texas; and Edward E. Fort, joined herein by my wife, Dorothy Fort, of Lubbock County, Texas (the said Ida Louise Fort, as above stated, being the surviving widow of Clinton Fort, deceased, and the said Emily Ellen Selman, Helen Blanche Hilton, Roy Clinton Fort and Edward E. Fort being the children of the said Ida Louise Fort and Clinton Fort, deceased, and we, the said Ida Louise Fort, Emily Ellen Selman, Helen Blanche Hilton, Roy Clinton Fort and Edward E. Fort being the sole and surviving heirs of the said Clinton Fort, deceased); for and in consideration of the sum of Four Thousand Five Hundred and No/100 Dollars (\$4,500.00) cash to us in hand paid by Dewey W. Walden, the receipt of which is hereby acknowledged, subject to the reservation hereinafter set forth, have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY, unto the said Dewey W. Walden, a single man, of Austin County, Texas, all of the following described lots or parcels of land situated in Austin County, Texas, to-wit:

Being out of five leagues of land originally granted to the Corporation of San Felipe de Austin, and being described as follows, to-wit:

FIRST TRACT: Lot No. 144 situated in the old town of San Felipe as shown by plat or map of said town of San Felipe, Texas, of record in the Deed Records of Austin County, Texas, and being the same land described in the deed from P. H. Magruder to Clinton Fort, dated September 26, 1918, and recorded in Volume 54, on page 187, of the Deed Records of Austin County, Texas, to which map and plat and the record thereof and to which deed and the record thereof reference is here made for all purposes.

SECOND TRACT: Lots Nos. 142, 143, 181, 182, 183, 202, 203, 204, 247, 248, 249, 256, 258, 270, 139, 140, 141, 184, 185, 186, 189, 200, 201, 250, 251 and 252, situated in the old town of San Felipe, as shown on plat of said town of San Felipe, Texas, of record in the Deed Records of Austin County, Texas, and being the same lots or parcels of land

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described in the deed from Mrs. Katherine Robertson, et al, to Clinton Fort (therein written Clinton Ford), dated August 26, 1918, and recorded in Volume 54, on page 17, of the Deed Records of Austin County, Texas, to which said map and the record thereof and to which said deed and the record thereof reference is here made for all purposes.

Subject to the reservation hereinafter set forth, TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said Dewey H. Walden, his heirs and assigns, forever. And we and each of us do hereby bind ourselves, our heirs, executors and administrators, subject to the reservation hereinafter set forth, to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said Dewey H. Walden, his heirs and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof.

RESERVATION

The grantors herein, to-wit, Ida Louise Fort, Emily Ellen Selman, Helen Blanche Hilton, Roy Clinton Fort and Edward E. Fort, collectively reserve unto themselves, and to their heirs and assigns, for a period of fifteen (15) years from date hereof and so long thereafter as oil, gas or other minerals are produced from the land herein conveyed, or land with which the same may be pooled, an undivided one-half (1/2) interest in and to all of the royalties payable on oil, gas or other minerals which may be produced, saved and sold from such lands, or land with which the same may be pooled, which may become due and payable under any present lease covering said land, if any, or which may become due and payable under any future lease covering said land during the tenure of this reservation, but neither the grantors, nor their heirs, successors and assigns, shall ever be required to join with the grantee, his heirs, successors and assigns, in the execution of an oil, gas and minerals lease covering said land, or any part thereof, nor shall the grantors herein, their heirs, successors and assigns, ever be entitled to receive any of the cash bonuses or other thing of value as consideration for the giving of or execution of an oil, gas or other mineral lease covering said land, nor shall the grantors herein, their heirs, successors and assigns, ever be entitled to receive any of the rentals or renewals or other thing of value paid to keep any oil, gas or other mineral lease in force or effect, provided that the grantee herein, his heirs, successors and assigns, shall never execute an oil, gas or other mineral lease covering said land which does not provide for a royalty of at least one-eighth (1/8th) on oil and gas, a royalty of at least one-tenth (1/10th) on other minerals, and a royalty of at least One Dollar (\$1.00) per long ton of sulphur; and provided further that the grantee herein, his heirs,

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successors and assigns, shall have the right and authority to pool or unitize such land with other land without the joinder of the grantors herein, their heirs, successors and assigns, provided that in such event and when such land shall be included with and developed as a part of a unit the grantors herein, to-wit, Ida Louise Port, Emily Ellen Selman, Helen Blanche Milton, Roy Clinton Port and Edward E. Port, their heirs, successors and assigns, shall collectively receive one-half (1/2) of the royalties payable on oil, gas or other minerals that may be allocated to such land as a part of a unit, and in the event of such unitizing or pooling of such land by the grantee herein, his heirs, successors and assigns, the grantee herein, his heirs, successors and assigns, shall, without the joinder of the grantors herein, their heirs, successors and assigns, bind the royalty herein reserved without the necessity of the grantors herein, their heirs, successors and assigns, joining in such unitizing or pooling program; provided further, however, that if there is no production from said land, or land with which the same may be pooled or unitized, at the expiration of fifteen (15) years from date hereof, then and in that event this reservation shall terminate and the royalties herein reserved shall thereupon be and become the property of the grantee herein, his heirs, successors and assigns.

WITNESS our hands this 5th day of April, A. D., 1957.

Ida Louise Port
Ida Louise Port

Emily Ellen Selman
Emily Ellen Selman

Helen Blanche Milton
Helen Blanche Milton

H. W. Selman
H. W. Selman

E. E. Port
E. E. Port

Roy Clinton Port
Roy Clinton Port

Edward E. Port
Edward E. Port

Loyd Belle Port
Loyd Belle Port

Ida Louise Port
Ida Louise Port

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THE STATE OF TEXAS
COUNTY OF AUSTIN

Before me, the undersigned authority, on this day personally appeared Ida Louise Port, a feme sole, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this the 5th day of April, A. D., 1957.

Paul M. Meyer, Jr.
Notary Public, Austin County, Texas

THE STATE OF LOUISIANA
PARISH OF Calcasieu

Before me, the undersigned authority, on this day personally appeared H. W. Selman and wife, Emily Ellen Selman, both known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they each executed the same for the purposes and consideration therein expressed. And the said Emily Ellen Selman, wife of the said H. W. Selman, having been examined by me privily and apart from her said husband, and having the same fully explained to her, she

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the said Emily Ellen Selman, acknowledged such instrument to be her act and deed, and declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

Given under my hand and seal of office, this the 27th day of April, A. D., 1957.

[Signature]
Notary Public, Madison Parish,
Louisiana.

THE STATE OF TEXAS:

COUNTY OF ANDERSON:

Before me, the undersigned authority, on this day personally appeared C. R. Hilton and wife, Helen Blanche Hilton, both known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they each executed the same for the purposes and consideration therein expressed. And the said Helen Blanche Hilton, wife of the said C. R. Hilton, having been examined by me privily and apart from her said husband, and having the same fully explained to her, she, the said Helen Blanche Hilton, acknowledged such instrument to be her act and deed, and declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

Given under my hand and seal of office, this the 2nd day of April, A. D., 1957.

[Signature]
Notary Public, Anderson County, Texas.

THE STATE OF TEXAS:

COUNTY OF ANDERSON:

Before me, the undersigned authority, on this day personally appeared Roy Clinton Fort and wife, Loya Belle Fort, both known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they each executed the same for the purposes and consideration therein expressed. And the said Loya Belle Fort, wife of the said Roy Clinton Fort, having been examined by me privily and apart from her said husband, and having the same fully explained to her, she, the said Loya Belle Fort, acknowledged such instrument to be her act and deed, and declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

Given under my hand and seal of office, this the 2nd day of April, A. D., 1957.

[Signature]
Notary Public, Anderson County, Texas.

THE STATE OF TEXAS:

COUNTY OF LUBBOCK:

Before me, the undersigned authority, on this day personally appeared Edward E. Fort and wife, Dorothy Fort, both known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they each executed the same for the purposes and consideration therein expressed. And the said Dorothy Fort, wife of the said Edward E. Fort, having been examined by me privily and apart from her said husband, and having the same fully explained to her, she, the said Dorothy Fort, acknowledged such instrument to be her act and deed, and declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

Given under my hand and seal of office, this the 6th day of April, A. D., 1957.

[Signature]
Notary Public, Lubbock County, Texas.

Filed for Record on the 2nd day of May, A. D. 1957, at 3:00 o'clock P.M.
Duly Recorded this the 6th day of May, A. D. 1957, at 1:56 o'clock P.M.

LAWRENCE DITTERT, County Clerk

[Signature]
Austín County, Texas

Deputy

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He executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 26th day of May, A. D., 1964.

Alvinia H. H. H.
Notary Public in and for Austin County,
Texas

Filed for Record on the 26th day of May, A. D. 1964, at 1:40 o'clock P. M.

Duly Recorded this the 27th day of May, A. D. 1964, at 2:18 o'clock P. M.

LAWRENCE DITTERT, County Clerk

Austin County, Texas

By *[Signature]* Deputy

(File No. 393)
THE STATE OF TEXAS)
COUNTY OF AUSTIN)

KNOW ALL MEN BY THESE PRESENTS:

That I, DEWEY W. WALDEN, a single man, of the County of Austin, State of Texas, for and in consideration of the sum of Ten Dollars (\$10.00) cash and other good and valuable consideration to me in hand paid by WILLIAM B. DAZEY and wife, DOLORES ANN DAZEY, the receipt of which I do hereby acknowledge and confess, and in further consideration of the execution by the said WILLIAM B. DAZEY and DOLORES ANN DAZEY of their one certain promissory note, of even date herewith, in the principal sum of Seven Thousand Five Hundred and No/100 Dollars (\$7,500.00), bearing interest from date at the rate of six per cent. (6%) per annum, payable to the order of DEWEY W. WALDEN at Citizens State Bank, S.W., Texas, in monthly installments of principal of not less than one hundred dollars (\$100.00) monthly, accrued interest to be paid simultaneously with and in addition to the said installment payments of principal, the first of which installments to become due and payable on or before July 1, 1964, and a like installment to become due and payable on or before the first day of each and every succeeding calendar month thereafter until the full sum of principal and interest is paid, the said promissory note providing that all past installments of principal shall bear interest at the rate of ten per cent. (10%) per annum and all past due interest to bear interest at the maximum legal rate, and further granting and giving to the holder thereof, at holder's option, the right to accelerate the payment of all amounts of principal and accrued interest in the event of default and to declare the entire amount unpaid on said note immediately due and payable in event of such default, and the said note further providing that, in the event of default, if the note is placed in the hands of an attorney for collection, the makers are to pay a sum equal to ten per cent. (10%) of the amount of principal and interest then due as agreed and stipulated attorney's fees, the said

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~~promissory note being assumed by the VENDOR, WILLIAM B. DAZEY, herein and hereby ex-~~
 presently retained against the property herein conveyed and described, and
 being further secured by a DEED OF TRUST LIEH given by the said WILLIAM
 B. DAZEY and DOLORIS ANN DAZEY to J. D. Kamea, Trustee, ex-
 ecuted and delivered of even date herewith in addition to and not lieu of
 the aforesaid VENDOR'S LIEH, both of such liens being first and prior in
 time and right and constituting a reservation of the superior title to
 the property hereinafter described until the indebtedness evidenced by
 the promissory note aforesaid is paid in full. HAVE GRANTED, SOLD and
 CONVEYED, and by these presents do GRANT, SELL and CONVEY, unto the said
 WILLIAM B. DAZEY and wife, DOLORIS ANN DAZEY, of the County of Harris,
 State of Texas, all that certain tract or parcel of land situated in
 the County of Austin, State of Texas, described as follows, to-wit:

Lot 144 in Tract One and Lots 139, 140, 141, 142,
 143, 181, 182, 183, 184, 185, 186, 199, 200, 201,
 202, 203, 204, 247, 248, 249, 250, 251, and 252 in
 Tract Two in the Old Town of San Felipe, Austin
 County, Texas, together with all improvements there-
 on, as the said land is described in deed dated April
 5, 1957, from Ida Louise Fort, et al., to Dewey W.
 Walden of record in Volume 231, at page 504, in the
 Deed Records of Austin County, Texas - - - - -

TO HAVE and TO HOLD the above described premises, together with all and
 singular the rights, tenements, hereditaments and appurtenances there-
 to in anywise belonging or appertaining, unto the said WILLIAM B. DAZEY
 and DOLORIS ANN DAZEY, their heirs and assigns, forever.

And, subject to the payment of the indebtedness secured by the
 liens above described only, I do hereby bind myself, my heirs, execu-
 tors and administrators to warrant and forever defend all and singular
 the said premises unto the said WILLIAM B. DAZEY and DOLORIS ANN DAZEY,
 their heirs or assigns, against every person whomsoever lawfully claim-
 ing, or to claim, the same or any part thereof.

Executed and delivered this 27th day of May, 1964.

Dewey W. Walden
 DEWEY W. WALDEN

THE STATE OF TEXAS
 COUNTY OF AUSTIN

BEFORE ME, the undersigned Notary Public in and for Austin
 County, Texas, on this day personally appeared DEWEY W. WALDEN, a
 single man, known to me to be the person whose name is subscribed to

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the foregoing instrument, and he acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 27th day of

May, 1964.

Clay E. Kieck
Notary Public in and for
Austin County, Texas

My commission expires June 1, 1965.

Filed for Record on the 27th day of May, A. D. 1964, at 10:25 o'clock A.M.
Duly Recorded this the 27th day of May, A. D. 1964, at 2:25 o'clock P.M.

LAWRENCE DITTERT, County Clerk

Austin County, Texas

By *L. Dittert* Deputy

(File No. 422 - Lease - John Stokes, et al, with Roy Meinecke)

THE STATE OF TEXAS }

COUNTY OF AUSTIN }

It is certified that and where, into all day of and between JOHN STOKES, of Austin County, Texas, and CLAY E. KIECK, of Austin County, Texas, parties of the first part, and ROY MEINECKE of Austin County, Texas, party of the second part,

WITNESSETH:

That the parties of the first part, for and in consideration of the covenants and agreements hereinafter mentioned to be kept and performed by the party of the second part, have DEMISED AND LEASED to the party of the second part all those certain tracts or parcels of land lying and being situated in Austin County, Texas, and described as follows, to-wit:

All those certain tracts or parcels of land situated in Austin County, Texas, on Buffalo Creek, and being part of the Fitzgibbon League and part of the Rufus H. Brewer & Mary E. Brewer's estate as partitioned among the heirs of Mary E. Brewer, deceased, as appears from Book 2, on pages 340-9, of the succession records of Austin County, Texas, and described as "FIRST TRACT" containing 37-1/2 acres of land, "SECOND TRACT" containing 12-1/2 acres of land, and "THIRD TRACT" containing 12 acres of land, as described by metes and bounds in a deed from John Stokes, et al, to Lloyd G. Stokes, et al, dated May 27, 1955, and recorded in Book 27, on pages 146-50, of the deed records of Austin County, Texas, to which said deed and the record thereof reference is here made for all intents, purposes and descriptions.

TO HAVE AND TO HOLD the above described premises with all

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Susan Rosinski

From: Deanne Gonzalez <dgonzalez@bisconsultants.com>
Sent: Tuesday, August 6, 2019 2:41 PM
To: Susan Rosinski
Subject: RE:

Oh, very good idea!



Deanne Gonzalez
Deed Processor II
dgonzalez@bisconsultants.com
(800)247-9045
14802 Venture Dr.
Farmers Branch, TX 75234



www.bisconsultants.com

From: Susan Rosinski <srosinski@austincad.org>
Sent: Tuesday, August 6, 2019 2:38 PM
To: Deanne Gonzalez <dgonzalez@bisconsultants.com>
Subject: RE:

Thank you for the opinion. I agree.

We have also decided to forward all the info we sent to BIS to our attorneys for a ruling.

From: Deanne Gonzalez <dgonzalez@bisconsultants.com>
Sent: Tuesday, August 6, 2019 2:34 PM
To: Susan Rosinski <srosinski@austincad.org>
Cc: Hector Gomez <hgomez@bisconsultants.com>
Subject: RE:

Hi Susan,

I got with Hector on this and this is what we can do and what should be done.

The way it's currently drawn is correct. The plat you provided has the streets cut out. If the taxpayer wants this all merged together, he/she needs to go to the proper authorities and have them formally vacate the streets. Because technically, if they (the city/county) wanted to, they could go in there and put streets up since the tax payer doesn't officially own the land. The plat you attached even says the acreage amount MINUS the acreage amount for the streets.

However, IF you want us to merge them together, we can. And this might make the district more money since you'd be taxing more acreage.

I hope this makes sense and helps you with your decision. Please let me know if there's anything more you need!



Deanne Gonzalez
Deed Processor II

dgonzalez@bisconsultants.com
(800)247-9045

14802 Venture Dr.
Farmers Branch, TX 75234



www.bisconsultants.com

From: Susan Rosinski <srosinski@austincad.org>

Sent: Monday, August 5, 2019 11:00 AM

To: Deanne Gonzalez <dgonzalez@bisconsultants.com>

Subject:

Good morning, Deanna.

We received the attached plat from a taxpayer. We have not mapped it as a whole because the taxpayer does not own the streets. I have also verified recently with the Town of San Felipe that taxpayer does not own streets. He wants it mapped as a whole. Any opinions on this?

Email Correspondent

Susan Rosinski

From: Deanne Gonzalez <dgonzalez@bisconsultants.com>
Sent: Tuesday, August 6, 2019 2:34 PM
To: Susan Rosinski
Cc: Hector Gomez
Subject: RE:

Hi Susan,

I got with Hector on this and this is what we can do and what should be done.

The way it's currently drawn is correct. The plat you provided has the streets cut out. If the taxpayer wants this all merged together, he/she needs to go to the proper authorities and have them formally vacate the streets. Because technically, if they (the city/county) wanted to, they could go in there and put streets up since the tax payer doesn't officially own the land. The plat you attached even says the acreage amount MINUS the acreage amount for the streets.

However, IF you want us to merge them together, we can. And this might make the district more money since you'd be taxing more acreage.

I hope this makes sense and helps you with your decision. Please let me know if there's anything more you need!



Deanne Gonzalez
Deed Processor II

dgonzalez@bisconsultants.com
(800)247-9045
14802 Venture Dr.
Farmers Branch, TX 75234



www.bisconsultants.com

From: Susan Rosinski <srosinski@austincad.org>
Sent: Monday, August 5, 2019 11:00 AM
To: Deanne Gonzalez <dgonzalez@bisconsultants.com>
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Email Correspondence

Susan Rosinski

From: Hector Gomez <hgomez@bisconsultants.com>
Sent: Monday, August 5, 2019 3:51 PM
To: Deanne Gonzalez
Cc: Susan Rosinski
Subject: RE:

How does the legal read on this? does it mention anything about the streets being vacated?

Thank you,



Hector Gomez
GIS Manager

hgomez@bisconsultants.com
(800)247-9045

14802 Venture Dr.
Farmers Branch, TX 75234



www.bisconsultants.com

From: Deanne Gonzalez <dgonzalez@bisconsultants.com>
Sent: Monday, August 5, 2019 3:12 PM
To: Hector Gomez <hgomez@bisconsultants.com>
Cc: !AustinCad-SusanRosinski <srosinski@austincad.org>
Subject: FW:

Hi Hector,

Can I please get your thoughts on this. You can see from the aerial there aren't any existing streets however the plat has the streets cut out. How do you think we should proceed?

Thanks,
Dee

Email Correspondence
10/08



Deanne Gonzalez

Deed Processor II

dgonzalez@bisconsultants.com

(800)247-9045

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Farmers Branch, TX 75234



www.bisconsultants.com

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Email Correspondence

Susan Rosinski

From: Deanne Gonzalez <dgonzalez@bisconsultants.com>
Sent: Monday, August 5, 2019 3:58 PM
To: Hector Gomez
Cc: Susan Rosinski
Subject: RE:
Attachments: Austin McAI.PNG

For 14042 It says "San Felipe BLDG ADDN, Lot 139-141, 184-186"

(please see attachment)



Deanne Gonzalez
Deed Processor II
dgonzalez@bisconsultants.com
(800)247-9045
14802 Venture Dr.
Farmers Branch, TX 75234



www.bisconsultants.com

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Cc: !AustinCad-SusanRosinski <srosinski@austincad.org>
Subject: RE:

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Thank you,

Email Correspondence
1. 2. 3.

**Hector Gomez**

GIS Manager

hgomez@bisconsultants.com

(800)247-9045

14802 Venture Dr.
Farmers Branch, TX 75234

www.bisconsultants.com

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Thanks,

Dee

**Deanne Gonzalez**

Deed Processor II

dgonzalez@bisconsultants.com

(800)247-9045

14802 Venture Dr.
Farmers Branch, TX 75234

www.bisconsultants.com

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Email Correspondence.

Susan Rosinski

From: Deanne Gonzalez <dgonzalez@bisconsultants.com>
Sent: Monday, August 5, 2019 3:12 PM
To: Hector Gomez
Cc: Susan Rosinski
Subject: FW:
Attachments: 20190805111226792.pdf; Austin 14042.PNG

Hi Hector,

Can I please get your thoughts on this. You can see from the aerial there aren't any existing streets however the plat has the streets cut out. How do you think we should proceed?

Thanks,
Dee



Deanne Gonzalez
Deed Processor II

dgonzalez@bisconsultants.com

(800)247-9045

14802 Venture Dr
Farmers Branch, TX 75234



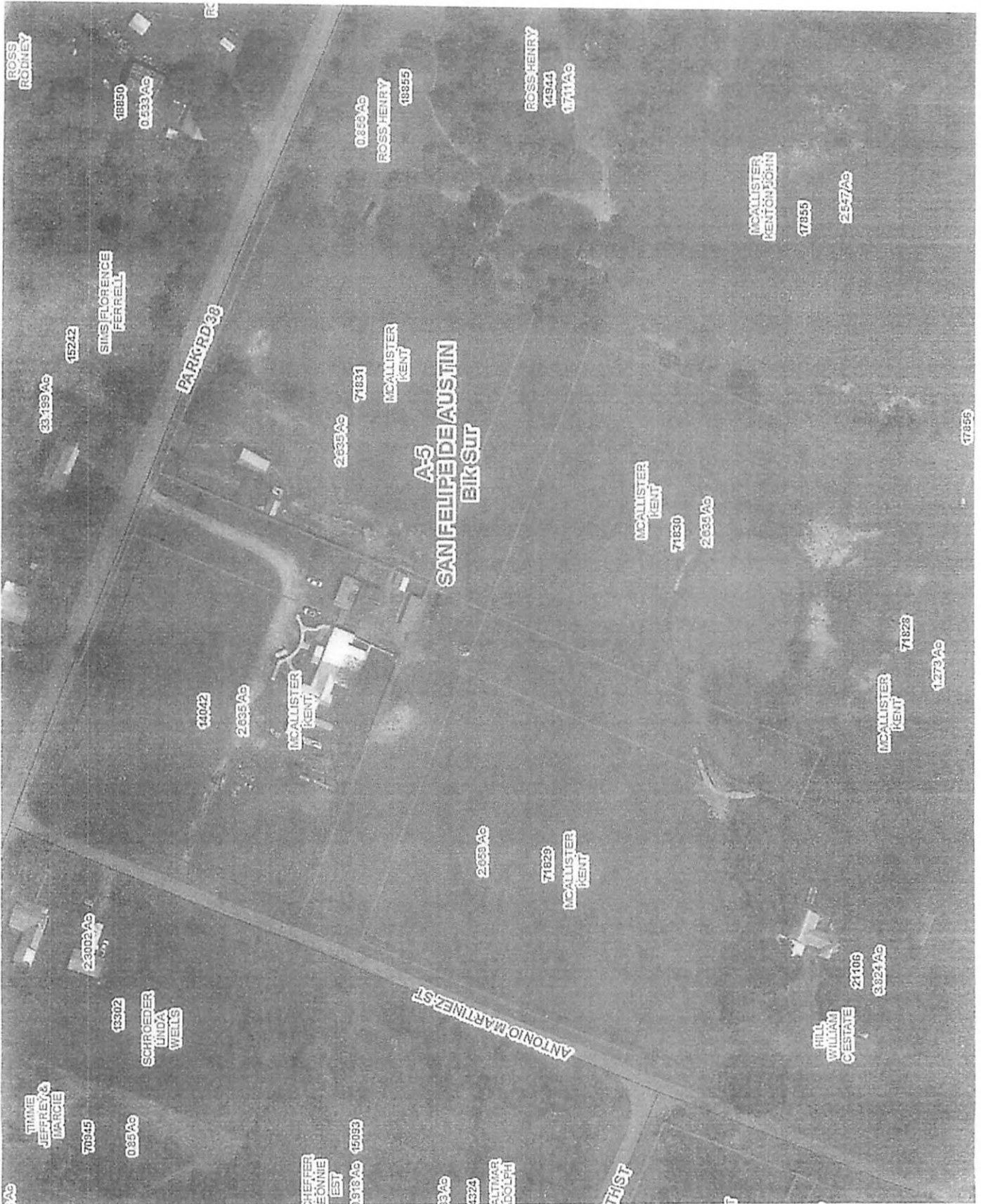
www.bisconsultants.com

From: Susan Rosinski <srosinski@austincad.org>
Sent: Monday, August 5, 2019 11:00 AM
To: Deanne Gonzalez <dgonzalez@bisconsultants.com>
Subject:

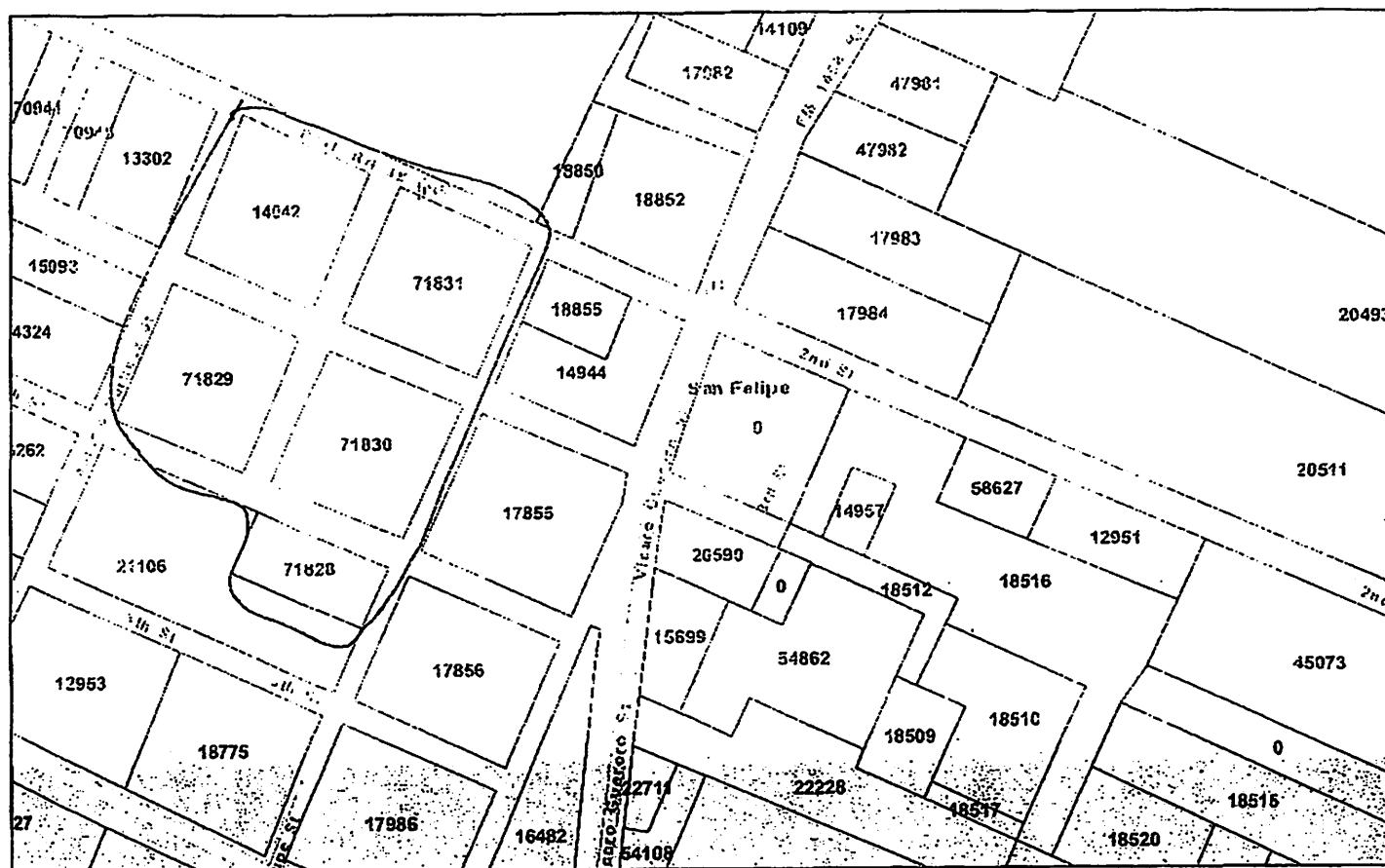
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Email Correspondence

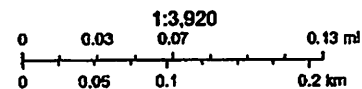


Austin CAD Web Map



8/5/2019, 10:44:16 AM

☐ Parcels
☐ Abstracts



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),

Austin County Appraisal District, GIS Consulting - www.bisconsulting.com

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Susan Rosinski

From: Barbara Lunsford
Sent: Wednesday, September 4, 2019 2:47 PM
To: Susan Rosinski; Peggy Jurek
Subject: FW: Kent McAllister accounts
Attachments: W_VacatingStreetsFINAL.pdf

From Kyle...

Barbie Lunsford, RPA
Administrative Assistant



Austin County Appraisal District
979-865-9124 ext. 19
906 E Amelia St
Bellville TX 77418

From: Kyle Dickson <kdickson@pbfc.com>
Sent: Wednesday, September 4, 2019 2:42 PM
To: Barbara Lunsford <blunsford@austincad.org>
Subject: RE: Kent McAllister accounts

Hi Barbie – I think this has some helpful info about requirements for eliminating plated but unconstructed streets.

From: Barbara Lunsford <blunsford@austincad.org>
Sent: Wednesday, September 4, 2019 1:57 PM
To: Kyle Dickson <kdickson@pbfc.com>
Subject: RE: Kent McAllister accounts

Thank you.

Barbie Lunsford, RPA
Administrative Assistant



Austin County Appraisal District
979-865-9124 ext. 19
906 E Amelia St
Bellville TX 77418

Attorney Email

From: Kyle Dickson <kdickson@pbfc.com>
Sent: Wednesday, September 4, 2019 1:53 PM
To: Barbara Lunsford <blunsford@austincad.org>
Cc: Susan Rosinski <srosinski@austincad.org>
Subject: RE: Kent McAllister accounts

Hi Barbie – Here is the AG opinion I mentioned on the phone.

From: Barbara Lunsford <blunsford@austincad.org>
Sent: Wednesday, September 4, 2019 10:01 AM
To: Kyle Dickson <kdickson@pbfc.com>
Cc: Susan Rosinski <srosinski@austincad.org>
Subject: FW: Kent McAllister accounts

Good morning, Kyle.

Have you had a chance to look at the attached? The ladies would like to meet with Mr. McAllister the week before his ARB hearing (September 24) to try to work this out.

Let me or Susan know if you need any clarification.

Thank you.

Barbie Lunsford, RPA
Administrative Assistant



Austin County Appraisal District
979-865-9124 ext. 19
906 E Amelia St
Bellville TX 77418

From: Barbara Lunsford
Sent: Tuesday, August 13, 2019 3:24 PM
To: 'Kyle Dickson' <kdickson@pbfc.com>
Subject: FW: Kent McAllister accounts

Kyle,

When you have time, would you take a look at the attached, please? Below are Susan's notes. Let me know if you need any other information or clarification.

Mr. McAllister's ARB hearing is September 24.

Thank you.



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 23, 2010

The Honorable Byron Cook
Chair, Committee on Environmental Regulation
Texas House of Representatives
Post Office Box 2910
Austin, Texas 78768-2910

Opinion No. GA-0790

Re: Combining real property and improvements
on one parcel identification number or taxpayer
account for appraisal district record purposes
(RQ-0827-GA)

Dear Representative Cook:

You ask who determines whether land and improvements are combined on one single parcel identification number or taxpayer account for appraisal district¹ record purposes when the land and improvements are under common ownership.²

While we find no state law that directly addresses who determines whether land and improvements are combined in a single taxpayer account or parcel, we conclude on the basis of express provisions of the Tax Code that it is an administrative determination made by the chief appraiser.³ Section 25.02 of the Tax Code provides that “[t]he appraisal records shall be in the form prescribed by the comptroller” and must include, among other things, the appraised or market value of land and the appraised value of improvements to land. TEX. TAX CODE ANN. § 25.02(a)(5)–(6) (Vernon 2008). Section 25.03 provides that “[p]roperty shall be described in the appraisal records with sufficient certainty to identify it.” *Id.* § 25.03. The chief appraiser, who is the chief administrator of the appraisal office, is charged with preparing the appraisal records and must exercise his administrative discretion in carrying out these and other functions set out in the Tax Code. *See id.* §§ 6.05(c) (providing that the chief appraiser is the chief administrator of the appraisal

¹The Tax Code establishes an appraisal district in each county and requires each district to appraise property for each taxing unit that imposes ad valorem taxes on property in the district. TEX. TAX CODE ANN. § 6.01(a)–(b) (Vernon 2008).

²Request Letter at 1 (*available at* <http://www.texasattorneygeneral.gov>).

³You note that subsection 25.08(a) provides that, with certain exceptions, “an improvement may be *listed* in the name of the owner of the land on which the improvement is located.” TEX. TAX CODE ANN. § 25.08(a) (Vernon 2008) (emphasis added); Request Letter at 2 (asking “‘who’ may add the improvements to the account of the real property” under section 25.08(a)). Because we do not understand a reference to the *listing* of separate real property components to equate to a directive about how to organize the various components of real property into taxpayer accounts or parcels, we do not believe subsection 25.08(a) addresses your question.

The Honorable Byron Cook - Page 2 (GA-0790)

office), 25.01 (“the chief appraiser shall prepare appraisal records listing all property that is taxable in the district”); *see also id.* § 25.08 (requiring chief appraiser to examine information submitted and notify owners of property whether they qualify for separate taxation of land and improvements). Organizing land and improvements into taxpayer accounts or parcels is one mechanism the chief appraiser uses in carrying out these functions. *Cf.* 34 TEX. ADMIN. CODE § 9.3001(b)(2) (2010) (Tex. Comptroller of Pub. Accounts, Appraisal Cards) (requiring appraisal districts to prepare an appraisal card that includes for each parcel of residential or commercial real estate the account number of the property).

You suggest that a real property owner may, at his discretion, render the land and improvements separately such that they “would be classified [by the appraisal district] as separate parcels of property with separate account identification numbers for the appraisal district records.” Request Letter at 2. You do not provide any legal analysis to support the proposition that the chief appraiser would be bound by a taxpayer’s division of land and improvements as presented in a rendition or describe the authority under which a taxpayer would be authorized to make such a division.⁴

“‘Rendition’ is the reporting of taxable property by the owner to the appraiser.” *SLW Aviation, Inc. v. Harris County Appraisal Dist.*, 105 S.W.3d 99, 101 n.1 (Tex. App.—Houston [1st Dist.] 2003, no pet.); *see also Hill v. Stone*, 421 U.S. 289, 292 n.1 (1975) (“To ‘render’ property for taxation means to list it with the tax assessor-collector of the taxing district in question.”). The Tax Code provides that “[a] person may render for taxation any property that he owns” and prescribes the information that must be included in a rendition statement. TEX. TAX CODE ANN. § 22.01(a), (c) (Vernon Supp. 2009); *see also* 34 TEX. ADMIN. CODE § 9.3031(b), (d)(1) (2010) (Tex. Comptroller of Pub. Accounts, Rendition Forms) (providing that “[a] person rendering property shall use the model form adopted by the Comptroller of Public Accounts or a form containing information which is in substantial compliance with the model form” and adopting, among others, Form 50-141, entitled “General Real Estate Rendition of Taxable Property”).

The Texas Supreme Court has broadly stated that “[o]rdinarily property should be appraised as rendered.” *Cherokee Water Co. v. Gregg County Appraisal Dist.*, 801 S.W.2d 872, 876 (Tex. 1990) (citing *Electra Indep. Sch. Dist. v. Waggoner Estate*, 168 S.W.2d 645, 650 (Tex. 1943)). However, you do not identify and we did not find any instance in which this rule has been applied to a taxpayer’s rendering separately land, and improvements on that land, that are under common ownership.

⁴We find nothing in the Tax Code that provides that a rendition is binding on a chief appraiser. On the contrary, the Tax Code provides that a chief appraiser is not bound by the taxpayer’s valuation of property in the rendition. *See* TEX. TAX CODE ANN. § 25.19(a)(2) (Vernon 2008) (providing that “the chief appraiser shall deliver a clear and understandable written notice to a property owner of the appraised value of the property owner’s property if . . . the appraised value of the property is greater than the value rendered by the property owner”) (emphasis added); *cf. also Harris County Appraisal Dist. v. Reynolds*, 884 S.W.2d 526, 529 (Tex. App.—El Paso 1994, no writ) (“[T]he statute now in force does not include any prohibition against correcting the appraisal rolls to include property omitted although previously rendered by the taxpayer.”).

The Honorable Byron Cook - Page 3 (GA-0790)

Even if the general rule does apply to a taxpayer who renders land and improvements separately, the Texas Supreme Court has made it clear that the right to have property appraised as rendered is not an immutable right. *Cherokee Water Co.*, 801 S.W.2d at 876. We find several exceptions to the general rule. A taxpayer is, for example, estopped from complaining about parcels being valued as a single unit when he himself had rendered the parcels as one unit in past years. See *French Indep. Sch. Dist. v. Howth*, 134 S.W.2d 1036, 1037–38 (Tex. 1940). Similarly, a taxpayer who renders parcels as a single unit will not be heard to complain that parcels are valued separately when he fails to appeal the valuation of all the relevant parcels. *Cherokee Water Co.*, 801 S.W.2d at 876–77.

Additionally, a property will not be assessed and valued “in accordance with the description of the property owner’s rendition [if] the property [is] being used in such a manner as to make it impossible to do so.” *Id.* (citing *Electra Indep. Sch. Dist.*, 168 S.W.2d at 650). For instance, *Moody-Seagraves Co. v. City of Galveston* involved two contiguous tracts of land that contained a cotton mill building and various related improvements. *Moody-Seagraves Co. v. City of Galveston*, 43 S.W.2d 967, 969–70 (Tex. Civ. App.—Galveston 1931, writ ref’d). The improvements were valued as a whole. *Id.* at 969. The court explained that “[w]hile the general rule requiring the separate valuation and assessment of separate pieces of property is well settled, . . . it is equally well settled that where separate pieces of property are occupied and used by the owner for one and the same purpose, and their separate identities and values become merged and consolidated by such use, no separate valuation and assessment is required.” *Id.* at 970. Likewise, in *City of Edinburg v. Magee* the court explained that “where two or more tracts or parcels are occupied and used together by the property owner for a single purpose, such as a homestead, their separate identities become merged into one by such use, and they may be valued and assessed in solido.” *City of Edinburg v. Magee*, 97 S.W.2d 983, 984 (Tex. Civ. App.—San Antonio 1936, no writ).


A rendering taxpayer is not entitled, as a matter of law, to have property appraised in accordance with a rendition. We conclude that it is the chief appraiser who must, in the first instance, analyze the rendition in light of the facts and determine how to organize the property into taxpayer accounts or parcels.

The Honorable Byron Cook - Page 4 (GA-0790)

S U M M A R Y

The chief appraiser of an appraisal district determines whether land and improvements are combined into a single taxpayer account or parcel. A taxpayer's separate rendition of land and improvements does not change this conclusion.

Very truly yours,


GREG ABBOTT
Attorney General of Texas

DANIEL T. HODGE
First Assistant Attorney General

NANCY S. FULLER
Chair, Opinion Committee

Christy Drake-Adams
Assistant Attorney General, Opinion Committee

Barbie Lunsford, RPA
Administrative Assistant



Austin County Appraisal District
979-865-9124 ext. 19
906 E Amelia St
Bellville TX 77418

From: Susan Rosinski <srosinski@austincad.org>
Sent: Friday, August 9, 2019 4:19 PM
To: Barbara Lunsford <blunsford@austincad.org>
Subject: Kent McAllister accounts

From Susan:

At one time we had Kent McAllister's accounts all combined into one account - this included the Town of San Felipe's streets.

Recently we split each of the blocks out as his deeds do not include streets nor do any prior deeds.

I have included ACF #61374 where McAllister purchased several lots and ACF #061447 where McAllister purchased numerous lots. You will find attached prior deeds too.

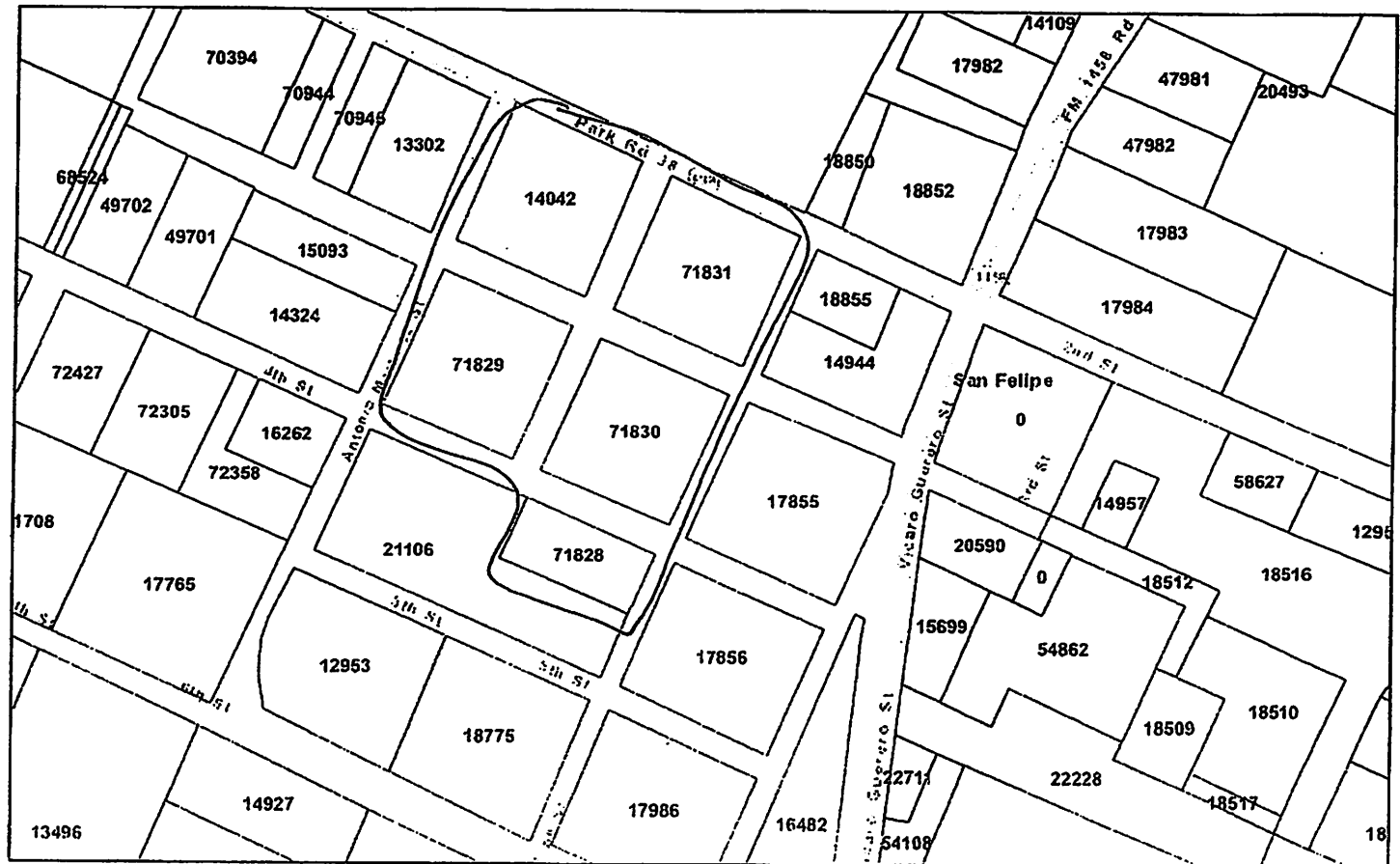
I also included two surveys of the parcels provided by McAllister.

Mr. McAllister has protested and his reasons include property descriptions and property boundaries incorrect. As far as the boundaries I believe he wants the roads taken back in and mapped as a whole.

I do know one account needs to be changed from 2.635 acres to 2.620 acres.

Carmen suggested we have Kyle take a look at what we have and give an opinion.

Austin CAD Web Map



8/9/2019, 3:57:55 PM

Parcels
Abstracts

1:3,920
0 0.03 0.07 0.13 mi
0 0.05 0.1 0.2 km

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand).

Austin County Appraisal District, GIS Consulting - www.bisconsulting.com

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BAIS
2/2/24

Loan No: 6671518
Borrower: KENT MCALLISTER

061374

Data ID: 832

6F 3492
25'

WARRANTY DEED WITH VENDOR'S LIEN

Date: March 9, 2006

Grantor: BRENNER FAMILY LIMITED PARTNERSHIP

Grantee: KENT MCALLISTER

Consideration:

\$100,000

TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration and notes of even date executed by Grantee payable to the order of LONG BEACH MORTGAGE COMPANY ("Lender"), in the amount of \$ 60,000.00 and \$ 20,000.00 the notes being secured in whole or in part by vendor's lien and superior title retained in favor of Lender in this deed and also secured by a deed of trust of even date from Grantee to MICHAEL L. RIDDLE, Trustee.

Property (including any improvements):

SEE LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

(Page 1 of 2 Pages)

Asatid 0000044042

0000044042

Annr Yr 2017

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grant, sell, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns, as the case may be, forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, successors and assigns, as the case may be, to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns against every person who may lawfully claim or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

The vendor's lien against and superior title to the property are retained until each note described is fully paid according to its terms, at which time this deed shall become absolute. The vendor's lien and superior title are transferred to Lender without recourse on Grantor.

When the context requires, singular nouns and pronouns include the plural.

BRENNER FAMILY LIMITED PARTNERSHIP

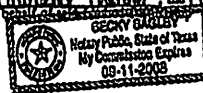
-d-ct-

By Lauren Brenner

In:

State of TEXAS
County of Allen

This instrument was acknowledged before me on the 10th day of March, 2020, by Lauren Brenner, the General Partner of BRENNER FAMILY LIMITED PARTNERSHIP on behalf of BRENNER FAMILY LIMITED PARTNERSHIP.



Becky Gagliardi
Notary Public
(Printed Name)

My commission expires: _____

GRANTED/RETURN ADDRESS:

(Page 2 of 2 Pages)

2

Acct#: R000014042

2006-03-10

Appr Yr: 201

FRANK SURVEYING CO., INC.
 5335 INDEPENDENCE
 COLUMBIA, TEXAS 77024
 281.328.1111

STATE OF TEXAS
 COUNTY OF ALUSTON

FIELD NOTES of a survey of a 2.622 total acre tract out of the Old Town of San Felipe, Apache County, Texas, said 2.622 acre tract being all of Lots 142-144, and all of Lots 145-153 as described in a deed dated May 17, 1934, and recorded in Volume 274, Page 641, of the Deed Records of Apache County, Texas for which reference is made and the 2.622 acre tract being also but by means and bounds as follows: (TO-WIT)

BEGINNING at a (12 inch iron rod and capped NPLB 1562) for the East corner of the herein described tract in the Northeast line of Goodpasture Creek, same being the Southwest line of Park Road No. 52, corner being also the East corner of Lot 142;

THENCE S 84° 47' 31" W a distance of 222.61 feet with the Northwest line of Goodpasture Creek, same being the Southeast line of Lot 144 and Lot 141 to a 1/2 inch iron rod and capped NPLB 1563 for the South corner of Lot 141, said corner being also the South corner of the herein described tract;

THENCE N 64° 43' 09" W a distance of 313.44 feet with the Southwest line of Lot 141 and Lot 143, same being the Northwest line of the herein described tract and the Northwest line of Goodpasture Creek to a 1/2 inch iron rod and capped NPLB 1562 for the West corner of Lot 143, corner being also the West corner of the herein described tract;

THENCE N 64° 47' 31" W a distance of 222.61 feet with the Northwest line of Lot 143 and Lot 145, same being the Northwest line of the herein described tract and the Southwest line of Goodpasture Creek to a 1/2 inch iron rod and capped NPLB 1562 for the North corner of Lot 145, corner being also the North corner of the herein described tract;

THENCE S 84° 47' 31" W a distance of 244.13 feet with the Southwest line of Park Road No. 52, same being the Southwest line of Lot 143-144 and the Northwest line of the herein described tract to the PLACE OF BEGINNING, containing 2.622 acres of land.

Survey Map to accompany Field Notes.

Project No. 63-143A

All bearings are based on the Northwest line of a 13.566 acre tract surveyed and plat by Frank Surveying Co., Inc. and recorded on a survey plat made by D.A. Muzzy on May 8, 1968.

IN WITNESS WHEREOF, we have and seal, this 11th day of January 2023.



[Signature]
 For Frank Surveying Co., Inc.
 Commission No. 1563
 Colorado County Surveyor

EXHIBIT "A"

Page 1 of 1

3

RESTRICTIONS

No mobile home, manufactured home, and/or modular home may be located on the Property at any time.

This restriction shall be for a term of twenty-five (25) years immediately following the date of this deed and shall be enforced by Grantor, its successor and assigns. At the end of such term, this restriction shall be of no further force or effect.

EXHIBIT "B"

FILED
05 MAR 13 PM 1:44
Carrie Gregor
COUNTY CLERK
AUSTIN COUNTY, TEXAS

061374

STATE OF TEXAS
COUNTY OF AUSTIN
I hereby certify that the foregoing is a true and correct copy of the original filed for record in the
OFFICE OF THE COUNTY CLERK, AUSTIN COUNTY, TEXAS
Carrie Gregor
COUNTY CLERK
AUSTIN COUNTY, TEXAS

ACCH# P000014042

2006-03-10

Appr Yr: 201

DEED / PROBATE / MOBILE HOME
TRANSFER FORM

ORIGINAL INFORMATION

Prop ID R14045 (63067)Name Brenner Family LimitedPartnership7 Salling Leaf LaneHouston, TX 77034-4513

Phone _____

Legal San Felipe Bldg. Addn. Yr. 139141, 184-186, 199-201, 203-206, 207209, 250-253, 268-270Acres 13.666 Map ID 145Situs Antonia Martinez StreetLast Insp 03-26-2003 Appraiser MM

Transfer Type AL File # 061447Consideration \$10 & \$60,000 Sale Type ALSale Date 03-10-2006

MH Title # _____

EXEMPTIONS - RESET / REMOVE / APPLYYear 2006

Homestead _____

Over-65 _____

Disability _____

REMOVE / ADD IMPROVEMENTS _____

COMMENTS _____

Date Transferred ENTERED APR 11 2006Transferred By Alh

Date Mapped _____

Mapped By _____

NEW ACCOUNT INFORMATION

Prop ID R14045 (63067)Name Mr. (Mister) Henton5906 Pine Lakes DriveKaty, TX 77493-3543

Phone _____

Legal San Felipe Bldg. Addn.Yr. 139, 141, 184-186, 199-201, 203-207, 209-212, 250-253, 268-270Acres 13.666 Map ID 145Situs Antonia Martinez StreetLast Insp 03-26-2003 Appraiser MM

Transfer Type AL File # 061447Deed Date 03-15-2006Consideration \$10 & \$60,000 Sale Type ALSale Date 03-10-2006

MH Title # _____

EXEMPTIONS - RESET / REMOVE / APPLYYear 2006

Homestead _____

Over-65 _____

Disability _____

REMOVE / ADD IMPROVEMENTS _____

COMMENTS _____

Date Transferred ENTERED APR 11 2006Transferred By Alh

Date Mapped _____

Mapped By _____

Mapping - Yes of No

BAC-5
27(5)

061447

GF 34978
27

WARRANTY DEED

NOTICE OF CONFIDENTIALITY RIGHTS: If you are a natural person, you may remove or strike any or all of the following information from this instrument before it is filed for record in the public records: your social security number and your driver's license number.

STATE OF TEXAS

COUNTY OF AUSTIN

KNOW ALL MEN BY THESE PRESENTS:

THAT BRENNER FAMILY LIMITED PARTNERSHIP, a Texas limited partnership ("Grantor"), acting by and through its General Partners who are Lawrence Brenner and Louise Brenner, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other valuable consideration to the undersigned paid by the Grantee herein named, the receipt of which is hereby acknowledged, and the further consideration of the execution and delivery by Grantee of his one certain promissory note of even date herewith, in the principal sum of Sixty Thousand and No/100 Dollars (\$60,000.00), payable to the order of Grantor, as therein provided and bearing interest at the rates therein specified, containing the usual clauses providing for acceleration of maturity and for attorney's fees, the payment of which note is secured by a Vendor's Lien herein retained and is additionally secured by a Deed of Trust, of even date herewith, to Sidney Levine, Trustee, have GRANTED, SOLD and CONVEYED, and by these presents do GRANT, SELL and CONVEY unto KENTON J. McALLISTER, a resident of Harris County, Texas ("Grantee"), whose mailing address is 5908 Pine Lakes Drive, Katy, Texas 77493-3543, all of the following described property in Austin County, Texas (the "Property"), to-wit:

8.209 acres of land (being 12.688 acres less 3.48 acres in road) out of the Old Town of San Felipe, Austin County, Texas, being more particularly described in EXHIBIT "A" attached hereto and made a part hereof for all intents and purposes.

This conveyance is made and accepted SUBJECT TO the following:

1. Fourth Street, Third Street and Baron De Bastrop Street as shown on survey plat dated May 28, 2005, by Frank Surveying Co., Inc.

SPONSORED BY THE TEXAS RECORDS MANAGEMENT BOARD
(2021) (2022) (2023)

2. An undivided $\frac{1}{4}$ royalty interest reserved in the Deed from Ida Louise Fort, et al, to Dewey W. Walden, dated April 6, 1957, recorded in Volume 231, Page 504, Deed Records of Austin County.

RESTRICTION

No mobile home, manufactured home, and/or modular home may be located on the Property at any time.

This restriction shall be for a term of twenty-five (25) years immediately following the date of this deed and shall be enforced by Grantor, its successor and assigns. At the end of such term, this restriction shall be of no further force or effect.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said Grantee, his heirs, executors, administrators, successors, or assigns forever; and Grantor hereby binds itself and its successors to WARRANT AND FOREVER DEFEND all and singular the said Property unto the said Grantee, his heirs, executors, administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

But it is expressly agreed that the Vendor's Lien, as well as the Superior Title in and to the Property, is retained against the Property, premises and improvements until the above described note and all interest thereon are fully paid according to the face, tenor, effect and reading thereof, when this Deed shall become absolute.

Ad valorem taxes on the Property for 2008 having been predated, the payment thereof is assumed by Grantee.

EXECUTED this 10th day of March, 2008.

BRENNER FAMILY LIMITED PARTNERSHIP

BY Lawrence Brenner
LAWRENCE BRENNER, General Partner

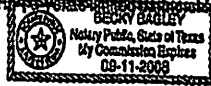
BY Louise Brenner
LOUISE BRENNER, General Partner

CHP Printing & Copy Service, Inc. 10/10/07

STATE OF TEXAS

COUNTY OF AUSTIN

This instrument was acknowledged before me on the 10th day of March 2008, by LAWRENCE BRENNER, General Partner, on behalf of BRENNER FAMILY PARTNERSHIP, a Texas limited partnership.

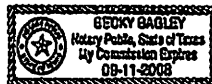


[Signature]
Notary Public, State of Texas

STATE OF TEXAS

COUNTY OF AUSTIN

This instrument was acknowledged before me on the 10th day of March 2008, by LOUISE BRENNER, General Partner, on behalf of BRENNER FAMILY PARTNERSHIP, a Texas limited partnership.



[Signature]
Notary Public, State of Texas

FRANK SURVEYING Co., Inc.
2225 White Street
COLUMBUS, TEXAS 73234
817.322.5774

STATE OF TEXAS
COUNTY OF AUSTIN

FIELD NOTES of a survey of a 0.0000 acre tract, less 0.40 acres to road and including a NET ACRES of 0.2000 acre out of the Old Town of San Pedro, Austin County, Texas. The 0.0000 acre tract being all of Lots 123-144, all of Lots 145-170, and all of Lots 171-200, all of Lots 201-230, and all of Lots 231-260, and also a part of Third Street, a part of Fourth Street and a part of Fifth Street as described in a deed dated May 27, 1904, and recorded in Volume 278, Page 674, Austin County Deed Records, and in a deed dated April 8, 1920 to Dewey W. Wicks, recorded in Volume 321, Page 624, of the Deed Records of Austin County, Texas for which reference is made and the said 0.0000 acre tract being described by corners and bounds as follows, TO-WIT:

CORNER of a 1/2 inch iron rod set (labeled RPLS 1180) for the East corner of Lot 144, same being a West corner of a 0.0000 acre tract surveyed this day, corner being also the Southwest line of Park Road No. 38, and being also the Northwest line of Conestoga Street.

THENCE S 24° 45' 00" W a distance of 62.81 feet with the Northwest line of Conestoga Street, same being the Southwest line of the said 0.0000 acre tract, corner being also a West corner and POINT OF BEGINNING of the lands described 0.0000 acre tract.

THENCE S 24° 45' 00" W a distance of 68.11 feet with the Northwest line of Conestoga Street, across Third Street (as shown), to the Southwest line of Lot 124 and Lot 125, across Fourth Street, and with the Southwest line of Lot 126, same being the Southwest line of the lands described being to a 1/2 inch iron rod set (labeled RPLS 1180) for the South corner of Lot 121 and the South corner of the said 0.0000 acre tract, corner being also a West corner and POINT OF BEGINNING of the lands described 0.0000 acre tract.

THENCE N 69° 49' 30" W a distance of 223.54 feet with the Southwest line of Lot 126, Lot 125, and Lot 124, same being the Northwest line of Lot 123 to a 1/2 inch iron rod set (labeled RPLS 1180) for the West corner of Lot 123.

THENCE N 69° 49' 30" W a distance of 143.20 feet with the Northwest line of Lot 123 to a 1/2 inch iron rod set (labeled RPLS 1180) for the North corner of Lot 122.

THENCE N 69° 49' 30" W a distance of 144.68 feet across Corner the Conestoga Street (as shown), and with the Southwest line of Fourth Street (as shown), the Northwest line of Lot 122 to a 1/2 inch iron rod set (labeled RPLS 1180) for the North corner of Lot 121, same being also the West corner of the lands described 0.0000 acre tract and being also the Southwest line of Antonio Martinez Street.

THENCE N 69° 49' 30" W a distance of 173.40 feet with the Southwest line of Antonio Martinez Street, across Fourth Street and with the Northwest line of Lot 121, Lot 120, across Third Street (as shown) and with the Northwest line of Lot 119, and Lot 118 to a 1/2 inch iron rod set (labeled RPLS 1180) for the North corner of Lot 118, corner being also the Southwest line of Park Road No. 38, corner being also the North corner of the lands described tract.

THENCE S 84° 07' 00" E a distance of 423.79 feet with the Southwest line of Park Road No. 38, same being the Northwest line of Lot 123-141 and across Corner the Conestoga Street to a 1/2 inch iron rod set (labeled RPLS 1180) for the North corner of Lot 142, corner being also the North corner of the said 0.0000 acre tract.


THENCE S 84° 07' 00" E a distance of 323.44 feet with the Southwest line of Corner the Conestoga Street, same being the Northwest line of Lot 143 and Lot 142 to a 1/2 inch iron rod set (labeled RPLS 1180) for the West corner of Lot 141, corner being also the Northwest line of Third Street.


THENCE S 84° 07' 00" E a distance of 343.44 feet with the Northwest line of Third Street, same being the Southwest line of Lot 123-141 to the POINT OF BEGINNING, crossing 18.00 acres of land, LOTS AND BLOCKS 1-10 same is above said streets having a NET ACRES of 0.2000 acre.

Survey Plot to accompany Field Notes.
Project No. 05-140A

All bearings are based on the Northwest line of a 0.0000 acre tract surveyed this day by Frank Surveying Co., Inc. and described as a survey and made by C.A. Murray on May 8, 1925.

BY WITH THESE TESTIMONIES, my hand and seal, this 11th day of January 2024.




 Frank Surveying Co., Inc.
 By [Name], RPLS
 Registered Professional Surveyor
 State of Texas, No. 1020

Page 1 of 1

EXHIBIT 4A.9

LAST PAGE OF DOCUMENT

(The bottom portion of this page
is for recording purposes only.)

FILED

06 MAR 16 PM 3:09

Carrie Gregor

COUNTY CLERK
AUSTIN COUNTY, TEXAS

STATE OF TEXAS

COUNTY OF AUSTIN

I certify that this instrument was filed on the day and
hour specified by the seal and was duly recorded in the
OFFICIAL PUBLIC RECORDS OF AUSTIN COUNTY, TEXAS.



Carrie Gregor

County Clerk, County Clerk
Austin County, Texas

061447

231
504

Recorded in the	2nd	May	A.D. 1957, at 3:00 o'clock P.M.
Duly Recorded in the	2nd	May	A.D. 1957, at 3:45 o'clock P.M.
LAWRENCE DITTERT, County Clerk			
Austin County, Texas			
By <i>[Signature]</i> Deputy			

(File No. 728 - Deed - Ida Louise Fort, et al, to Dewey W. Walden)

THE STATE OF TEXAS
COUNTY OF AUSTIN

KNOW ALL MEN BY THESE PRESENTS: That we, Ida

Louise Fort, a widow, being the surviving wife of Clinton Fort, deceased, of Anderson County, Texas; Emily Ellen Selman, joined herein by my husband, H. W. Selman, of Belle Parish, Louisiana; Helen Blanche Hilton, joined herein by my husband, G. H. Hilton, of Anderson County, Texas; Roy Clinton Fort, joined herein by my wife, Loya Belle Fort, of Anderson County, Texas; and Edward E. Fort, joined herein by my wife, Dorothy Fort, of Lubbock County, Texas (the said Ida Louise Fort, as above stated, being the surviving widow of Clinton Fort, deceased, and the said Emily Ellen Selman, Helen Blanche Hilton, Roy Clinton Fort and Edward E. Fort being the children of the said Ida Louise Fort and Clinton Fort, deceased, and we, the said Ida Louise Fort, Emily Ellen Selman, Helen Blanche Hilton, Roy Clinton Fort and Edward E. Fort being the sole and surviving heirs of the said Clinton Fort, deceased); for and in consideration of the sum of Four Thousand Five Hundred and No/100 Dollars (\$4,500.00) cash to us in hand paid by Dewey W. Walden, the receipt of which is hereby acknowledged, subject to the reservation hereinafter set forth, have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY, unto the said Dewey W. Walden, a single man, of Austin County, Texas, all of the following described lots or parcels of land situated in Austin County, Texas, to-wit:

Being out of five leagues of land originally granted to the Corporation of San Felipe de Austin, and being described as follows, to-wit:

FIRST TRACT: Lot No. 144 situated in the old town of San Felipe as shown by plat or map of said town of San Felipe, Texas, of record in the Deed Records of Austin County, Texas, and being the same land described in the deed from P. B. Magruder to Clinton Fort, dated September 30, 1918, and recorded in Volume 54, on page 457, of the Deed Records of Austin County, Texas, to which map and plat and the record thereof and to which deed and the record thereof reference is here made for all purposes.

SECOND TRACT: Lots Nos. 140, 143, 181, 182, 183, 202, 203, 204, 247, 248, 249, 255, 259, 270, 139, 140, 141, 184, 185, 186, 199, 200, 201, 250, 251 and 252, situated in the old town of San Felipe, as shown by plat of said town of San Felipe, Texas, of record in the Deed Records of Austin County, Texas, and being the same lots or parcels of land

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described in the deed from Mrs. Kathrynne Robertson, et al, to Clinton Fort (herein written Clinton Ford), dated August 26, 1918, and recorded in Volume 84, on page 19, of the Deed Records of Austin County, Texas, to which said map and the record thereof and to which said deed and the record thereof reference is here made for all purposes.

Subject to the reservation hereinafter set forth, TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said Deway W. Walden, his heirs and assigns, forever. And we and each of us do hereby bind ourselves, our heirs, executors and administrators, subject to the reservation hereinafter set forth, to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said Deway W. Walden, his heirs and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof.

RESERVATION

The grantors herein, to-wit, Ida Louise Fort, Emily Ellen Selman, Helen Blanche Hilton, Roy Clinton Fort and Edward E. Fort, collectively reserve unto themselves, and to their heirs and assigns, for a period of fifteen (15) years from date hereof and so long thereafter as oil, gas or other minerals are produced from the land herein conveyed, or land with which the same may be pooled, an undivided one-half (1/2) interest in and to all of the royalties payable on oil, gas or other minerals which may be produced, saved and sold from such land, or land with which the same may be pooled, which may become due and payable under any present lease covering said land, if any, or which may become due and payable under any future lease covering said land during the tenure of this reservation, but neither the grantors, nor their heirs, successors and assigns, shall ever be required to join with the grantee, his heirs, successors and assigns, in the execution of an oil, gas and mineral lease covering said land, or any part thereof, nor shall the grantors herein, their heirs, successors and assigns, ever be entitled to receive any of the cash bonuses or other thing of value as consideration for the giving of or execution of an oil, gas or other mineral lease covering said land, nor shall the grantors herein, their heirs, successors and assigns, ever be entitled to receive any of the rentals or renewals or other thing of value paid to keep any oil, gas or other mineral lease in force or effect, provided that the grantee herein, his heirs, successors and assigns, shall never execute an oil, gas or other mineral lease covering said land which does not provide for a royalty of at least one-eighth (1/8th) on oil and gas, a royalty of at least one-tenth (1/10th) on other minerals, and a royalty of at least One Dollar (\$1.00) per long ton on sulphur; and provided further that the grantee herein, his heirs,

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successors and assigns, shall have the right and authority to pool or unitize such land with other land without the joinder of the grantors herein, their heirs, successors and assigns, provided that in such event and when such land shall be included with and developed as a part of a unit the grantors herein, to-wit, Ida Louise Fort, Emily Ellen Selman, Helen Blanche Hilton, Roy Clinton Fort and Edward E. Fort, their heirs, successors and assigns, shall collectively receive one-half (1/2) of the royalties payable on oil, gas or other minerals that may be allocated to such land as a part of a unit, and in the event of such unitizing or pooling of such land by the grantee herein, his heirs, successors and assigns, the grantee herein, his heirs, successors and assigns, shall, without the joinder of the grantors herein, their heirs, successors and assigns, bind the royalty herein reserved without the necessity of the grantors herein, their heirs, successors and assigns, joining in such unitizing or pooling program; provided further, however, that if there is no production from said land, or land with which the same may be pooled or unitized, at the expiration of fifteen (15) years from date hereof, then and in that event this reservation shall terminate and the royalties herein reserved shall thereupon be and become the property of the grantee herein, his heirs, successors and assigns.

WITNESS our hands this 24 day of April, A. D., 1957.

Ida Louise Fort
Ida Louise Fort

Emily Ellen Selman
Emily Ellen Selman

Helen Blanche Hilton
Helen Blanche Hilton

H. W. Selman
H. W. Selman

Roy Clinton Fort
Roy Clinton Fort

Edward E. Fort
Edward E. Fort

Dorothy Fort
Dorothy Fort

Louise Belle Fort
Louise Belle Fort

THE STATE OF TEXAS
COUNTY OF AUSTIN

Before me, the undersigned authority, on this day personally appeared Ida Louise Fort, a feme sole, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this the 24 day of May, A. D., 1957.

Paul M. Meyer, Jr.
Notary Public, Austin County, Texas

THE STATE OF LOUISIANA
PARISH OF Orleans

Before me, the undersigned authority, on this day personally appeared H. W. Selman and wife, Emily Ellen Selman, both known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they each executed the same for the purposes and consideration therein expressed. And the said Emily Ellen Selman, wife of the said H. W. Selman, having been examined by me privily and apart from her said husband, and having the same fully explained to her, she

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the said Emily Ellen Selsam, acknowledged such instrument to be her act and deed, and declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

Given under my hand and seal of office, this the 25th day of April, A. D., 1957.

[Signature]
Notary Public, Blanche Hilton,
Louisiana.

THE STATE OF TEXAS
COUNTY OF ANDERSON

Before me, the undersigned authority, on this day personally appeared H. R. Hilton and wife, Helen Blanche Hilton, both known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they each executed the same for the purposes and consideration therein expressed. And the said Helen Blanche Hilton, wife of the said C. R. Hilton, having been examined by me privately and apart from her said husband, and having the same fully explained to her, she, the said Helen Blanche Hilton, acknowledged such instrument to be her act and deed, and declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

Given under my hand and seal of office, this the 25th day of April, A. D., 1957.

[Signature]
Notary Public, Anderson County, Texas.

THE STATE OF TEXAS
COUNTY OF ANDERSON

Before me, the undersigned authority, on this day personally appeared Edward E. Port and wife, Lore Belle Port, both known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they each executed the same for the purposes and consideration therein expressed. And the said Lore Belle Port, wife of the said Edward E. Port, having been examined by me privately and apart from her said husband, and having the same fully explained to her, she, the said Lore Belle Port, acknowledged such instrument to be her act and deed, and declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

Given under my hand and seal of office, this the 25th day of April, A. D., 1957.

[Signature]
Notary Public, Anderson County, Texas.

THE STATE OF TEXAS
COUNTY OF LUBBOCK

Before me, the undersigned authority, on this day personally appeared Edward E. Port and wife, Dorothy Port, both known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they each executed the same for the purposes and consideration therein expressed. And the said Dorothy Port, wife of the said Edward E. Port, having been examined by me privately and apart from her said husband, and having the same fully explained to her, she, the said Dorothy Port, acknowledged such instrument to be her act and deed, and declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

Given under my hand and seal of office, this the 16 day of April, A. D., 1957.

[Signature]
Notary Public, Lubbock County, Texas.

Filed for Record on the 25th day of April, A. D. 19 57, at 1:00 o'clock P.M.
Duly Recorded this 6th day of May, A. D. 19 57, at 1:56 o'clock P.M.

[Signature]
LAWRENCE DITERT County Clerk
By *[Signature]* Deputy

54/457

(all).

same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this 23 day of Dec. A. D. 1919.

(seal) Jno. G. Matojka, Notary Public, Austin Co. Tex.

The State of Texas,)

County of Austin.) Before me, Jno. G. Matojka a Notary Public in and for Austin County, Texas, on this day personally appeared Chas. Branicky and Mary Branicky his wife, both known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they each executed the same for the purposes and consideration therein expressed and the said Mary Branicky wife of the said Chas. Branicky having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said Mary Branicky acknowledged such instrument to be her act and deed, and she declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

Given under my hand and seal of office, this 23 day of Dec. A. D. 1919.

(seal) Jno. G. Matojka, Notary Public, Austin Co. Tex.

Filed for record this 27 day of Jan. A. D. 1919 at 1:30 o'clock P.M., and recorded at 2:15 o'clock P.M. Jan. 28th, A. D. 1919, *Ed. Paul* Clerk, C.C.A.C.T. By *Emma E. Blair* Deputy.

(all. Deed. F. D. Magruder to Clinton Fort.)

The State of Texas,)

County of Tarrant.) Know All Men by These Presents: That I, F. D. Magruder, a single man, of the County of Tarrant State of Texas, in consideration of the sum of Twenty Dollars paid by Clinton Fort, of Austin County, Texas, the receipt of which is hereby fully acknowledged, have granted, sold and conveyed, and by these presents do grant, sell and convey unto the said Clinton Fort of the County of Austin and State of Texas all that certain lot, tract or parcel of land lying and being situated in the old town of San Felipe and being lot number 144 in block number __ as shown by plat of said town of San Felipe, Texas, of record in deed records of Austin County, Texas, to which reference is hereby made for all purposes. To have and to hold the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said Clinton Fort and his heirs and assigns, forever. And I do hereby bind myself and heirs, executors and administrators, to warrant and forever defend all and singular, the said premises unto the said Clinton Fort and his heirs and assigns, against every person whatsoever lawfully claiming or to claim the same, or any part thereof.

Witness my hand at Fort Worth, Texas this 20th day of September A. D. 1919.

The State of Texas,)

(signed) F. D. Magruder.

County of Tarrant.)

Before me, H. C. Gessett a Notary Public in and for Tarrant County, Texas, on this day personally appeared Dr. F. D. Magruder, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this 20th day of September, A. D. 1919.

(seal) H. C. Gessett, A Notary Public in and for Tarrant County, Texas.

Filed for record the 28th day of January, A. D. 1919 at 2:00 o'clock A.M., and recorded at 2:15 o'clock P.M. January 28th, A. D. 1919, *Ed. Paul* Clerk, C. C. A. C. T.

By *Emma E. Blair* Deputy.

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(15.)

for the purposes and consideration therein expressed.

Given under my hand and seal of office, this 24 day of August, 1917.

(Seal)

Jas. G. Scott Notary Public, Hill Co. Texas.

Filed for record at 8:00 o'clock A.M., September 2nd, A.D., 1918, and recorded at 11:45 o'clock A.M., September 6th., A.D., 1918. *E. B. Balle*, Clerk Co. Court, Austin Co., Texas.

(16. Deed. Kate Robertson, et al., to Clinton Ford.)

(21.50 revenue stamps attached and cancelled.)

The State of Texas,
County of Austin

Know all Men by these Presents: That we, Mrs. Katherine Robertson a feme sole, and daughter, Miss Willie Fay Robertson, a feme sole, residents of the County of Austin State of Texas for and in consideration of the sum of One Thousand Two Hundred and no/100 Dollars, to us in hand paid by Clinton Ford as follows, to-wit:- The sum of One Thousand Two Hundred Dollars cash in hand paid, the receipt whereof is hereby fully acknowledged, have Granted, Sold and Conveyed, and by these presents do Grant, Sell and Convey, unto the said Clinton Ford of the County of Austin State of Texas all that certain Lots of land as follows, to-wit: Lots Nos. 142, 143, 141, 142, 143, 202, 203, 204, 247, 248, 249, 258, 269, 270, 159, 140, 141, 144, 143, 146, 159, 200, 201, 250, 251 and 252 of the San Felipe Town as shown upon the map of the plan of the said town, all in Austin County, Texas. Being the same property and premises set apart to said Mrs. Katherine Robertson, and daughter, Willie Fay Robertson, by decree of the Austin County District Court, June 25th, A.D. 1901, and of record in Vol. L pages 54-55-56-57 and 58, in cause No. 3648 upon the docket of the said Court, to which reference is here made for further designation and description of said several lots. To have and to hold the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said Clinton Ford, his heirs and assigns forever, and we do hereby bind ourselves, our heirs, executors and administrators, to Warrant and Forever Defend, all and singular the said premises unto the said Clinton Ford, his heirs and assigns, against every person whatsoever lawfully claiming or to claim the same or any part thereof.

Witness our hands at Boaly, Texas this 26th day of August A.D. 1918.

Witnesses at Request of Grantor

(signed) Katherine Robertson

Willie Fay Robertson

The State of Texas,
County of Austin

Before me, the undersigned authority, a Notary Public in and for Austin County, Texas, on this day personally appeared Mrs. Katherine Robertson and Miss Willie Fay Robertson known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this 26th day of August A.D. 1918.

(Seal) 1537

C. O. Olem Notary Public, Austin County, Texas.

Filed for record at 2:00 o'clock A.M., September 2nd A.D., 1918, and recorded at 2:00 o'clock P.M., September 16th., A.D., 1918.*E. B. Balle*, Clerk Co. Court, Austin Co., Texas.

He executed the same for the purposes and consideration therein expressed.
 GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 26th day
 of May, A. D., 1964.

Winona Hittman
 Notary Public in and for Austin County,
 Texas

Filed for Record on the 26th day of May, A. D. 1964, at 1:40 o'clock P.M.
 Duly Recorded this the 27th day of May, A. D. 1964, at 2:18 o'clock P.M.

LAWRENCE DITTERT, County Clerk

Austin County, Texas

By *[Signature]* Deputy

(File No. 821)
 THE STATE OF TEXAS)
)
 COUNTY OF AUSTIN)

KNOW ALL MEN BY THESE PRESENTS:

That I, DEWEY W. WALDEN, a single man, of the County of Austin, State of Texas, for and in consideration of the sum of Ten Dollars (\$10.00) cash and other good and valuable consideration to me in hand paid by WILLIAM B. DAZEY and wife, DOLORES ANN DAZEY, the receipt of which I do hereby acknowledge and confess, and in further consideration of the execution by the said WILLIAM B. DAZEY and DOLORES ANN DAZEY of their one certain promissory note, of even date herewith, in the principal sum of Seven Thousand Five Hundred and No/100 Dollars (\$7,500.00), bearing interest from date at the rate of six per cent. (6%) per annum, payable to the order of DEWEY W. WALDEN at Citizens State Bank, Seely, Texas in monthly installments of principal of not less than One Hundred Dollars (\$100.00) monthly, accrued interest to be paid simultaneously with and in addition to the said installment payments of principal, the first of which installments to become due and payable on or before July 1, 1964, and a like installment to become due and payable on or before the first day of each and every succeeding calendar month thereafter until the full sum of principal and interest is paid, the said promissory note providing that all past installments of principal shall bear interest at the rate of ten per cent. (10%) per annum and all past due interest to bear interest at the maximum legal rate, and further granting and giving to the holder thereof, at holder's option, the right to accelerate the payment of all amounts of principal and accrued interest in the event of default and to declare the entire amount unpaid on said note immediately due and payable in event of such default, and the said note further providing that, in the event of default, if the note is placed in the hands of an attorney for collection, the makers are to pay a sum equal to ten per cent. (10%) of the amount of principal and interest then due as agreed and stipulated attorney's fees, the said

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whereas I, the undersigned, as VENDOR hereinafter and hereby expressly warrant and defend the property herein conveyed and described, and being herein secured by a DEED OF TRUST DEED given by the said WILLIAM B. DAZEY and DOLORES ANN DAZEY to J. P. Kaman, Trustee, executor and guardian of said said herein in addition to and part hereof of the aforesaid VENDOR'S MARK, none of said said being filed and prior in

time and date and consequences of the same, as to the property hereinafter, in and until the indebtedness evidenced by the promissory note, aforesaid, is paid in full, HAVE GRANTED, SOLD and CONVEYED, and by these presents do GRANT, SELL and CONVEY, unto the said WILLIAM B. DAZEY and DOLORES ANN DAZEY, of the County of Harris, State of Texas, all that certain tract of land, more particularly described in the County of Harris, State of Texas, described as follows, to-wit:

Tract No. 1, in Block 1, and Lots 133, 134, 135, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

TO HAVE and to HOLD the above described premises, together with all and singular rights and appurtenances thereto and appurtenances thereunto in anywise appertaining, unto the said WILLIAM B. DAZEY and DOLORES ANN DAZEY, their heirs and assigns, forever.

And, subject to the payment of the indebtedness secured by the liens, hereby described, I do hereby bind myself, my heirs, executors and administrators to warrant and forever defend all and singular the said premises unto the said WILLIAM B. DAZEY and DOLORES ANN DAZEY, their heirs or assigns, against every person whatsoever lawfully claiming to have the same or any part thereof.

Executed and delivered this 27th day of May, 1964.

Dewey M. Walden
DEWEY M. WALDEN

THIS STATE OF TEXAS
COUNTY OF AUSTIN

BEFORE ME, the undersigned Notary Public in and for Austin County, Texas, on this day personally appeared DEWEY M. WALDEN, a single man, known to me to be the person whose name is subscribed to

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the same for the purposes and consideration herein expressed.

GIVEN UNDER MY HAND AND SEAL of _____ day of _____, 1964.

[Signature]

My commission expires June 1, 1965.

[Signature]

in and for _____, Texas.

Filed for Record on the 27th day of May, 1964, at 10:25 o'clock A.M.

Duly Recorded this the 27th day of May, 1964, at 2:25 o'clock P.M.

LAURENCE DITTERT, County Clerk
Austin County, Texas
[Signature] Deputy

(File No. 823 - Lease - John Stokes, et al, with Roy Meinecke)

THE STATE OF TEXAS)
COUNTY OF AUSTIN)

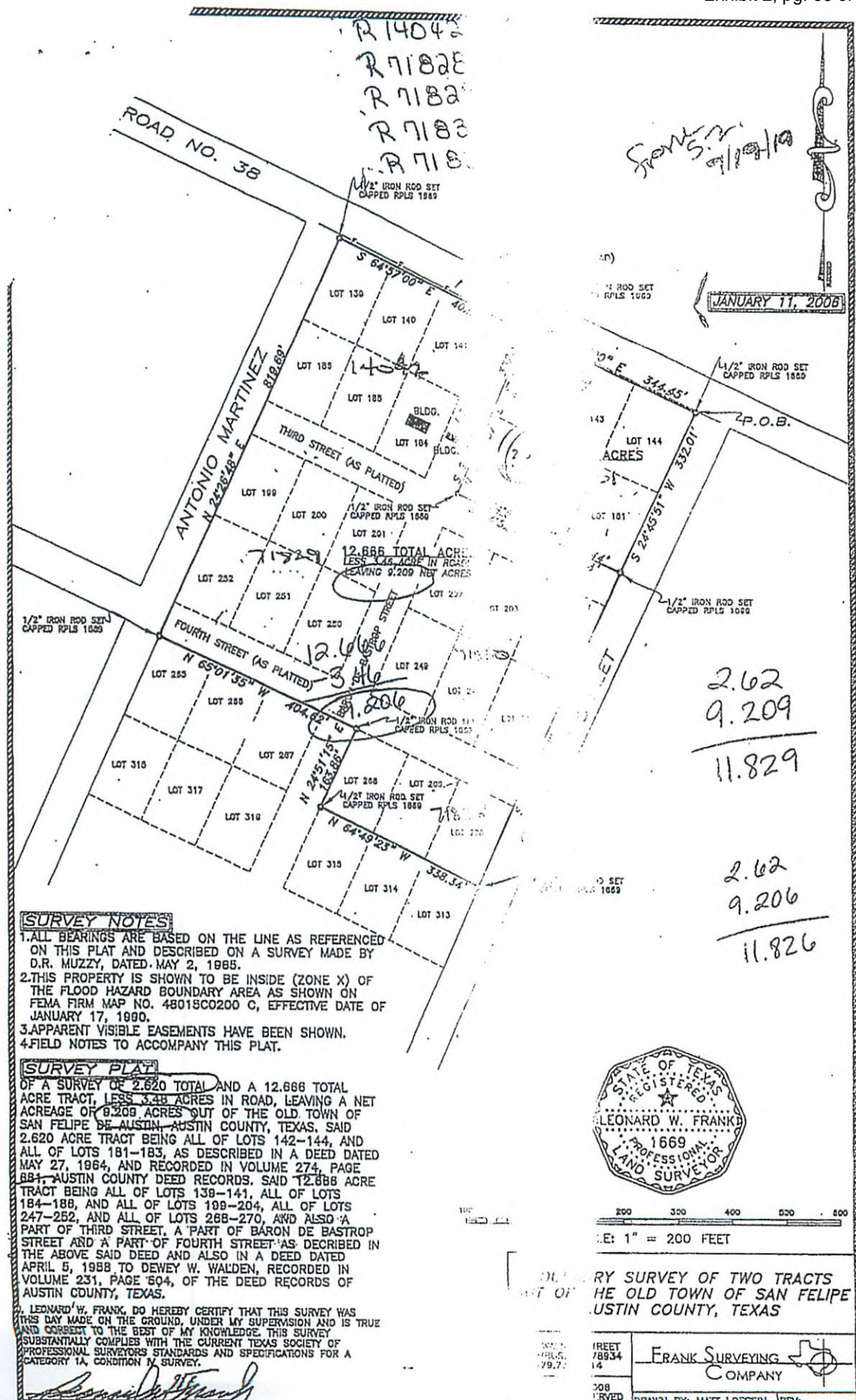
This contract made and entered into this day by and between
JOHN STOKES of Austin County, Texas, and LLOYD G. STOKES of Austin
County, Texas, parties of the first part, and ROY MEINECKE of Austin
County, Texas, party of the second part,

W I T N E S S E T H:

That the parties of the first part, for and in consideration
of the covenants and agreements hereinafter mentioned to be kept and
performed by the party of the second part, have DEMISED AND LEASED to
the party of the second part all those certain tracts or parcels of
land lying and being situated in Austin County, Texas, and described
as follows, to-wit:

All those certain tracts or parcels of land situated
in Austin County, Texas, on Buffalo Creek, and being part
of the J. Fitzgibbons League and part of the Rufus H.
Brewer's & Mary E. Brewer's estate as partitioned among
the heirs of Mary E. Brewer, deceased, as appears from
Book Q, on pages 348-9, of the Succession Records of
Austin County, Texas, and described as "FIRST TRACT"
containing 92-1/2 acres of land, "SECOND TRACT" con-
taining 12-1/2 acres of land, and "THIRD TRACT" con-
taining 32 acres of land, as described by metes and
bounds in a deed from John Stokes, et ux, to Lloyd G.
Stokes, et al, dated July 27, 1955, and recorded in
Vol. 221, on pages 146-50, of the Deed Records of Aus-
tin County, Texas, to which said deed and the record
thereof reference is here made for all intents, pur-
poses and descriptions.

TO HAVE AND TO HOLD the above described premises with all



VACATING STREETS AND PUBLIC ACCESS EASEMENTS

REID C. WILSON
Wilson, Cribbs & Goren, P.C.
2500 Fannin
Houston, Texas 77002
Telephone: (713) 222-9000
Telecopier: (713) 229-8824
Email: rwilson@wcglaw.net
All rights reserved Reid C. Wilson

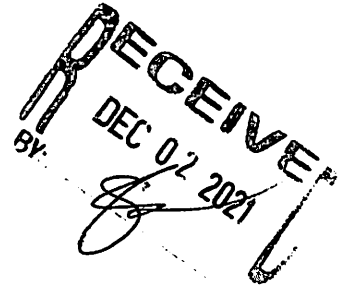
Texas Land Title Association
December 8-9, 2016
San Antonio, TX

W_VacatingStreet+FINAL
Attorney's Attachment

12/27/23

Kent McAllister
223 Park Road 38
Sealy, Texas 77474

December 2, 2021



Mr. Greg Cook
Austin County Appraisal District
906 E Amelia Street
Bellville, Texas 77418

Mr. Greg Cook,

I was notified in or around 2017 that my property account had been divided into 5 accounts due to a "discovery" made by appraisal district staff during a "review" of my property.

I have made several attempts to correct the record over the last few years, but have been unable to resolve the false assertion by the appraisal district that I do not own portions of my property. I was forced to stop the construction of my barn, which is located in the middle of a paper street due to the claim of non-ownership. I was also forced to hire a researcher to defend the unwarranted accusations used by the appraisal district to make their determinations. The researcher discovered the quitclaim deed for all of the lots and easements provided by the Town of San Felipe to the property owner during a previous transfer of property ownership. This information was found with the same documents referenced in the property survey discussed during the appraisal districts insistence of non-ownership.

The recorded survey states, A survey of 2.620 Total AND a 12.666 Total Acre tract, less 3.46 acres in road, leaving a net acreage of 9.209 acres. The survey represents two different property descriptions. One is 2.620 acres and the other is 12.666 acres for a total of 15.286 acres. The 12.666 acre property includes 3.46 acres in roads. Leaving a net acreage of 9.209.

The survey plat notes for the 12.666 acre tract state, Said 12.666 acre tract being all of lots 139-141, all of lots 184-186, and all of lots 199-204, all of lots 247-252, and all of lots 268-270, AND ALSO a part of third street, a part of Baron de Bastrop Street and a part of fourth street as described in the above said deed and also in a deed dated April 5, 1958 to Dewey W Walden, recorded in volume 231, page 504, of the deed records of Austin County, Texas.

Although the survey, plat notes and deed records show ownership of all of the property described, the appraisal district made the unilateral decision that the streets are not included in the ownership of the described property.

Through a PIA request, email communications and other information was obtained for review of my file. In the documentation, appraisal district staff stated that they had confirmed the streets

were not included in the deeded property by contacting the Town of San Felipe city secretary. There was no documentation included from the Town of San Felipe. It seems unusual that the appraisal district would contact the towns city secretary for property deed verification when deed records are maintained by the county.

Had the appraisal district checked the Austin County deed records described on the survey, they would have discovered the quitclaim resolution document from the Town of San Felipe to the property owner prior to the Deed record dated April 5, 1958 to Dewey W. Walden, recorded in volume 231, pages 501-504, of the deed records of Austin County, Texas.

I have been unable to obtain copies of the evidence of non-ownership provided to the appraisal district by the town secretary. I am also unable to find any evidence that the adjoining properties with paper streets were "reviewed" as well. It appears it was just mine. I would like to believe that appraisal district staff were not involved in targeted harassment, but I am having doubts.

I have consulted with an attorney on the matter and they have recommended that I notify you of the issue and ask for your help to correct my account before pursuing legal action. If I am unable to get resolution to this matter by December 17, 2021, I plan to pursue legal action against all parties involved.

If you have questions or require additional information, please contact me.

Thank you,



Kent McAllister
Meridian Contracting Specialists, Inc.
O-832-920-3304
C-281-961-0334
P.O. Box 418
San Felipe, TX 77473
mcallister@mcsitexas.com
meridiancontractinginc.com

Re: Response to letter dated 12-2-2021**From:** Meridian Contracting mcallister@mcsitexas.com**To:** Barbara Lunsford blunsford@austincad.org**Cc:** Greg Cook gcook@austincad.org, Michelle Mitchell mmitchell@austincad.org, Dee Lerma dee@abelrealty.net**Bcc:** Cynthia Kelly cynthia.kelly@mcsitexas.com**Date:** Mon, Jan 10, 2022, 3:31 PM

Ms. Lunsford,

Please let the attorney know that they were provided all the deed information except for the relevant document which was excluded by appraisal staff when transmitting the documents to them. See PIA request dated December 8, 2021, Item 6, Attorneys email. You will find the Quitclaim Resolution Deed document excluded from the deed records.

If you check the PIA request response dated December 8, 2021, Item 3. d and e, Documents used to determine ownership, you will find the Quitclaim Resolution Deed from the town of San Felipe to Ida Luis Fort, Volume 231 Pages 500- 504. The one they are missing.

The Quitclaim Resolution Deed document states in part the following:

In regular meeting assembled on the 13th day of April A.D. 1957, a quorum being present, that the Mayor of the Corporation of San Felipe de Austin, and in consideration of the premises, execute a quitclaim deed to the above described in-lots, and that the said quitclaim deed when executed by the Mayor shall be attested by the secretary of the Corporation of San Felipe de Austin and it's official seal impressed there on, thereby divesting all right, title and interest that it may have in said in-lots out of the Corporation of San Felipe de Austin...

It continues... To have and to hold, the said premises together with all the singular rights, privileges and appurtenances thereto in any manner belonging, onto the said Ida Luis Fort, Emily Allen Selman, Helen Blanche Hilton, Roy Clinton Fort, and Edward E Fort, there heirs and assigns, forever, and that the Corporation of San Felipe de Austin, nor any person claiming under it, shall, at any time hereafter, have, claim or demand any right or title to the aforesaid premises and appurtenances, or any part thereof.

If you check PIA request dated December 8, 2021, Item 3, Please provide documents verifying taxpayer does not own the streets provided by the Town of San Felipe.

Response- No such document exists.

If you obtain and review the PIA request submitted to the Town of San Felipe on December 13, 2021, evidence provided to Austin County appraisal District verifying the taxpayer does not own the streets, you will find the response is a copy of my property survey and no communications record. There is a clear conflict in the response as both parties have a different story. How did Ms. Foley obtain my survey anyway?

Let the attorney know that someone should take the time read the documents referenced and quit assuming they have a complete grasp of the situation.

Thank you,

Kent McAllister
281-961-0334

From: Barbara Lunsford <blunsford@austincad.org>
Sent: Monday, January 10, 2022 2:58 PM
To: Meridian Contracting
Cc: Greg Cook; Michelle Mitchell
Subject: RE: Response to letter dated 12-2-2021

Good afternoon, Mr. McAllister.

This is the response from our attorney: "We have reviewed the deeds that were provided and cannot conclude that the streets were included in any conveyance. In fact, it seems they were specifically excluded from them. If Mr. McAllister can show in the chain of title where the streets were conveyed that would require further review, but at this point, I cannot conclude that he is the record owner."

We are working on your recent open records requests and will contact you with cost information as each request is completed.

Thank you.

Barbie Lunsford, RPA
Administrative Assistant



Austin County Appraisal District
979-865-9124 ext. 119
906 E Amelia St
Bellville TX 77418

From: Meridian Contracting <mcallister@mcsitexas.com>
Sent: Monday, January 10, 2022 12:08 PM
To: Barbara Lunsford <blunsford@austincad.org>
Cc: Greg Cook <gcook@austincad.org>; Michelle Mitchell <mmitchell@austincad.org>
Subject: Response to letter dated 12-2-2021

Ms. Lunsford,

I haven't received the response from the Appraisal District office as stated in your previous email. I am continuing to be harmed by the lack of corrective action by the Appraisal District and Chief Appraiser. The claim that I don't own portions of my property is baseless and the Appraisal District staff are in possession of the Quitclaim Resolution Deed document proving ownership. The document is also filed with the Austin County Clerk of Records.

Information gathered in a Public Information Request (PIA) reflects unlawful and unethical behavior by Appraisal District staff and the Town of San Felipe. I have provided the evidence that my property has received unfair treatment and continues to be disenfranchised as a result of the Appraisal Districts inaction.

I have filed a complaint with the Texas Department of Licensing and Regulation and asked that they investigate the Austin County Appraisal District and it's staff. In addition, I have been left with no choice but to pursue legal action against all parties involved to stop the harassment and unlawful actions perpetrated by the Appraisal District and Town of San Felipe.

Thank you,

Kent McAllister
281-961-0334

From: Barbara Lunsford <blunsford@austincad.org>

Exhibit 2, pg. 73 of 159

Sent: Friday, December 17, 2021 11:56 AM

To: Meridian Contracting

Cc: Greg Cook; Michelle Mitchell

Subject: response to letter dated 12-2-2021

Good morning, Mr. McAllister.

Mr. Cook asked me to reach out to you today regarding your letter dated December 2, 2021. We feel many of your questions have been addressed through your open records request. If you see we are missing something, please let us know. We have reached out to our attorneys, who are reviewing your information. Once a response is received from the attorneys on their findings, we will be in touch.

Please let me know if you have any questions.

Respectfully,

Barbie Lunsford, RPA
Administrative Assistant



Austin County Appraisal District
979-865-9124 ext. 119
906 E Amelia St
Bellville TX 77418

Town Council Meeting Comments January 11, 2022

From: Kent McAllister kent.mcallister@sanfelipetexas.com

To: Sue Foley suefoley@townofsanfelipe.net

Cc: BLF Info info@texasmunicipallawyers.com, Cristian Rosas-Grillet

Cristian@texasmunicipallawyers.com

Bcc: Cynthia Kelly cynthia.kelly@mcsitexas.com

Date: Tue, Jan 11, 2022, 4:15 PM

Ms. Foley,

Per your instructions: Anyone wanting to address the Town Council must submit their written comments by emailing the comments to: suefoley@townofsanfelipe.net

The comments must be received before 5 PM on January 11, 2022. Submitted comments will be read aloud at the meeting.

Comments:

Thank you for the opportunity to address the town council. My name is Kent McAllister and I own property on Park Road 38 in the Town of San Felipe.

A false statement was provided by the Town of San Felipe to the Austin County Appraisal district according to appraisal staff. A claim has been made by the Appraisal District that I don't own the roads within my property boundaries and that they belong to the Town of San Felipe. This false statement of fact was used as evidence against me in an Appraisal Review Board (ARB) hearing.

I am notifying you tonight that in a regular San Felipe town council meeting assembled on the 13th day of April A.D. 1957, a quorum being present, the mayor of the corporation of San Felipe de Austin, in consideration of the described premises, executed a quitclaim deed to my property.

The Corporation of San Felipe de Austin, divested all right, title and interest that it had in my property to have and to hold, the said premises together with all the singular rights, privileges and appurtenances thereto in any manner belonging, unto the said property and that the town nor any person claiming under it, shall, at anytime hereafter, have, claim or demand any right or title to the aforesaid premises and appurtenances, or any part thereof.

The false claim of town ownership bypasses due process and is in violation of the legal standards required by law. The town is violating it's legal obligation to defend the Quitclaim Resolution Deed and is forcing me to defend the false assertion that I don't own the roads within my property boundaries. Each of you are hereby notified of my demand that the Town of San Felipe immediately cease and desist any claim or assertion that the town owns any part of my property. I am requesting that a written confirmation of this fact is provided to the Austin County Appraisal District and myself.

If the Town of San Felipe fails to defend my rightful ownership I will take legal action against all parties involved and seek to recover damages.

Should any of you have questions or require additional information, please don't hesitate to contact me.

Thank you,

Kent McAllister

ACAD Account 14042

From: Meridian Contracting mcallister@mcsitexas.com

To: Sue Foley suefoley@townofsanfelipe.net

Cc: Rezzin Pullum rezzin@texasmunicipallawyers.com, Cristian Rosas-Grillet
Cristian@texasmunicipallawyers.com

Bcc: Cynthia Kelly cynthia.kelly@mcsitexas.com

Date: Wed, Jan 12, 2022, 7:10 AM

Ms. Foley,

The Austin County Appraisal District has falsely claimed that I don't own portions of my property (roads) resulting in financial hardship and duress.

The Appraisal District presented contrived information as fact and omitted relevant information in an Appraisal Review Board (ARB) hearing to justify their false claim against me. The Appraisal District has been unable to produce any evidence that the Town of San Felipe confirmed that I don't own portions of my property. They also omitted the quitclaim resolution document for the property which they have in their possession.

I have provided the town with the quitclaim resolution information it needs to confirm that it does not own portions of my property. I am requesting that the Town of San Felipe promptly confirm in writing that it does not own or have a claim to any roads within my property boundaries as asserted by the Austin County Appraisal District.

Please don't hesitate to contact me if you require additional information.

Thank you,

Kent McAllister
281-961-0334

Re: Open records requests dated January 4, 5, and 6, 2022

From: Meridian Contracting mcallister@mcситexas.com

To: Barbara Lunsford blunsford@austincad.org

cc: Greg Cook gcook@austincad.org, Michelle Mitchell mmitchell@austincad.org, Dee Lerma dee@abelrealty.net

cc: Cynthia Kelly cynthia.kelly@mcситexas.com

Date: Thu, Jan 13, 2022, 10:20 AM

Ms. Lunsford,

I have read the comments you provided from the Appraisal Districts attorney and offer this response to him.

It is impossible to resolve conflicts with those who benefit from them and my response to your comments is to simply document for the court my efforts to resolve the issues before filing a lawsuit which I am now forced to do.

1. "I was provided the deeds from the City of San Felipe regarding the lots that Mr. McAllister claims are material to his assertion that he owns the acreage related to the streets surrounding his deeded lots."

The Town of San Felipe is not in possession of my deed records since deed records are maintained at the county courthouse and not the town hall. The information you have was provided by appraisal district staff which has already been established in a PIA request to the Appraisal District. The Town of San Felipe has also responded to a PIA request that shows your statement to be inaccurate.

2. "The deeds that I have read (v.231 p.500 and v.231 p502) clearly disclaim any interest in the lots, but no reference is made to the streets."

If you read Vol. 231 page 500 which is 4 pages long then you are aware that it represents two separate quitclaim resolution actions. The first one records the town councils opinion that the referenced lot's had been sold to Robertson who then conveyed to Clinton Fort after 50 years of ownership. It is dated April 13, 1957 and was filed on April 30, 1957.

The second quitclaim resolution document conveys the said premises (lots) together with and singular the rights, privileges and appurtenances thereto in any manner belonging, unto the said Ida Louise Fort and others, their heirs and assigns, forever, and that the Corporation of San Felipe de Austin, nor any person claiming under it, shall at any time hereafter, have, claim or demand any right or title to the aforesaid premises and appurtenances, or any part thereof. It is dated April 30, 1957 and was filed the same day. **The Town of San Felipe has no lawful claim to the platted streets from this day forward.**

The third quitclaim resolution document (Vol. 231, page 504, 4 pages) conveys the said premises to Dewey W. Walden from Ida Louise Fort together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said Dewey W Walden, his heirs and assigns, forever. And hereby bind ourselves, our heirs, executors and administrators, subject to the reservation here and after set forth, to warrant and forever defend all and singular the said premises unto the said Dewey W Walden, his heirs and assigns, against every person whosoever lawfully claiming, or to claim the same, or any part thereof. It is dated May 2nd 1957 and was filed on the same day.

A fourth document conveys the said premises to William and Dolores Dazey from Dewey W. Walden, (Vol 274 page 681, 3 pages) on May 27, 1964. The conveyance once again states the above described premises, together with all and singular the rights, tenements, hereditaments and appurtenances thereto in anywise belonging or appertaining, unto the said William and Dolores Daisy, their heirs and the signs, forever.

The definition of appurtenances has been settled by the courts that include supreme court decisions and is not up for debate. “Appurtenances means all rights, titles, and interests of seller appurtenant to the land and improvements, including, but not limited to, all easements, rights of way, rights of ingress and egress, tenements, hereditaments, privileges, and appurtenances in any way belonging to the land or improvements, any land lying in the bed of any alley, highway, street, road or avenue, open or proposed, in front of or abutting or adjoining the land, any strips or gores of real estate adjacent to the land, and the use of all alleys, easements and rights-of-way, if any, abutting, adjacent, contiguous to or adjoining the land.”

I can produce affidavits for the court by individuals who will testify that the entire property was fully enclosed in fencing prior to 1957 as reflected in the survey and that this fact has never changed.

3. “There are no metes and bounds descriptions in either deed that would indicate the city was disclaiming any interest in the platted streets and/or that the conveyance was for anything besides the platted lots.”

If you follow the survey of the metes and bounds you will find that it describes the survey line **crossing the streets** as platted. From the starting point following the survey line and tracing the perimeter boundary of the described property, the platted streets are clearly included in the property survey boundary.

The survey notes state a survey of 2.620 **Total** and a 12.666 **Total** acre tract less 3.49 acres in streets. The survey notes list each lot and then states, **And Also a part of Third street, a part of Baron de Bastrop street and a part of Fourth street.**

4. “I am not aware that the City of San Felipe has ever abandoned platted streets.”

To say you are not aware of the Town of San Felipe abandoning platted streets is a play on words. I am not claiming that the town abandoned the streets since I have already established the towns recorded conveyance of the streets to the property owner in 1957 through a quitclaim resolution

There are plenty of records of the town selling or otherwise conveying platted streets. The exception would be an Austin County Appraisal Review Board member, David Franklin. The streets within his property boundary and many others are not shown by the Appraisal District even though no title has been conveyed for the streets by the town. Why has his property and the many others in close proximity to mine not received the same disruptive scrutiny from you and the Appraisal District? It must be nice to enjoy the benefits of the good ol' boys club!

The historic Hill home sits in the middle of Baron de Bastrop Street directly across the street from my partially constructed barn located on the same platted street. Construction was stopped due to the false claims asserted by the Appraisal District. A structure already existed in this location when I purchased the property from Brenner which is shown on the survey. The current mayor conveyed parts of 5th Street at FM 1458 to his privately held church to build their new location, which was voted on by his first cousin who is on town council. The same council member also received a donated street for his church. Apparently you are unaware that I served on the town council and can produce dozens of legally conveyed platted streets along with several illegally obtained streets.

5. The deed from the Brenner Family LTD to Mr. McAllister appears to exclude the streets specifically since the property is described as "9.209 acres of land (being 12.666 acres less 3.46 acres in road)." The deed also makes the conveyance "SUBJECT TO" a survey plat of May 26, 2005 that references street names. Ordinarily, conveyances that are "subject to" something denotes a restriction in the conveyance, not an additional grant. In addition, the field notes of the survey claim that portions of the streets are included and give two deed references (v274, p681 and v231, p504), but those deeds only include references to platted lots and do not describe the streets.

It is irrelevant what the Brenner deed states since I have already proven that the Town of San Felipe relinquished any right or title it had to the streets within my property boundaries over 65 years ago.

The Appraisal Districts behavior has been unlawful from the beginning and it is clear I will only find relief from the harassment and financial damage by filing a lawsuit to defend my rights. As the Appraisal Districts attorney I can see how you will benefit from perpetuating the ludicrous behavior on display. Too bad the taxpayers will ultimately pay the price for the Appraisal Districts abusive and overreaching actions. I will be pursuing recovery of the economic and exemplary damages available to me under the law. I have filed a complaint with the TDLR and will ask them to review the facts of my complaint and act accordingly. I have met with and notified the Chief Appraiser of the discriminatory and unlawful behavior by Appraisal staff and he has clearly chosen not to investigate the matter thoroughly or to resolve the conflict.

If the Appraisal District would like to enter into a settlement agreement to avoid unnecessary legal fees and the additional risk to them resulting from the exemplary damages I will be entitled to, please let me know soon.

Thank you and have a great day!

Kent McAllister

From: Barbara Lunsford <blunsford@austincad.org>
Sent: Wednesday, January 12, 2022 11:45 AM
To: Meridian Contracting
Subject: RE: Open records requests dated January 4, 5, and 6, 2022

Good morning, Mr. McAllister.

Your open records requests from January 4, 5 and 6 are complete. The total cost is \$45. The ladies up front can take your payment and will give you the thumb drive.

Our attorney sent an additional response to you letter dated December 2, 2021. Please see below.

"I was provided the deeds from the City of San Felipe regarding the lots that Mr. McAllister claims are material to his assertion that he owns the acreage related to the streets surrounding his deeded lots. The deeds that I have read (v.231 p.500 and v.231 p502) clearly disclaim any interest in the lots but no reference is made to the streets. There are no metes and bounds descriptions in either deed that would indicate the city was disclaiming any interest in the platted streets and/or that the conveyance was for anything besides the platted lots.

I am not aware that the City of San Felipe has ever abandoned platted streets. The deed from the Brenner Family LTD to Mr. McAllister appears to exclude the streets specifically since the property is described as "9.209 acres of land (being 12.666 acres less 3.46 acres in road)." The deed also makes the conveyance "SUBJECT TO" a survey plat of May 26, 2005 that references street names. Ordinarily, conveyances that are "subject to" something denotes a restriction in the conveyance, not an additional grant. In addition, the field notes of the survey claim that portions of the streets are included and give two deed references (v274, p681 and v231, p504), but those deeds only include references to platted lots and do not describe the streets.

From the information I have been provided and have reviewed to date, I cannot conclude that Mr. McAllister owns the streets surrounding his platted lots."

Respectfully,

Barbie Lunsford, RPA
Administrative Assistant



Austin County Appraisal District
979-865-9124 ext. 119
906 E Amelia St
Bellville TX 77418

From: Meridian Contracting <mcallister@mcsitexas.com>
Sent: Tuesday, January 11, 2022 3:59 PM
To: Barbara Lunsford <blunsford@austincad.org>
Subject: Re: Open records request dated January 4, 2022

Good afternoon Ms. Lunsford,

It can all be put on a thumb drive to make it easier for everyone. Thanks for your help.

Kent McAllister

From: Barbara Lunsford <blunsford@austincad.org>
Sent: Tuesday, January 11, 2022 3:34 PM
To: Meridian Contracting
Subject: Open records request dated January 4, 2022

Good afternoon, Mr. McAllister.

The information you requested in your January 4 open records request has been compiled. The ARB hearing audio files are too big to email. Would you prefer them on a thumb drive or cd? The charge for a cd is \$1.00. I am not sure of the current availability or price of a thumb drive. I hope to have that

information tomorrow.

Exhibit 2, pg. 82 of 159

Also, would you prefer a print out of the appraisal district's ARB evidence, or should I put it on the thumb drive / cd?

Thank you.

Barbie Lunsford, RPA
Administrative Assistant



Austin County Appraisal District
979-865-9124 ext. 119
906 E Amelia St
Bellville TX 77418

4. San Felipe PIA dated December 13, 2021

From: Meridian Contracting <mcallister@mcsitexas.com>
Sent: Tuesday, March 8, 2022 6:54 AM
To: Jessica Sanchez <Jessica.Sanchez@tdlr.texas.gov>
Subject: Re: Complaint filed against Greg Cook with Austin CAD, complaint #PTP20220006386/
Tracking #126915

Jessica,

Thanks for the response. I will put together the information you requested and send it to you once I have it all together. Let me know if you need anything else.

Thank you,

Kent McAllister
281-961-0334

From: Jessica Sanchez <Jessica.Sanchez@tdlr.texas.gov>
Sent: Friday, March 4, 2022 2:52 PM
To: Meridian Contracting
Subject: Complaint filed against Greg Cook with Austin CAD, complaint #PTP20220006386/ Tracking #126915

Dear Kent McAllister:

The Texas Department of Licensing and Regulation (the Department) has received the complaint you filed against Greg Cook with Austin CAD. In order for us to proceed further with our review of your complaint, we will need some additional information. Specifically, please provide me with copies of the documentation from Austin County Appraisal District showing the altered information mentioned in your complaint, a copy of your property card (if available), a copy of your deed mentioned in your complaint, copies of the recording of your protest

hearing and any documentation from the hearing, and any other documentation in support of your complaint. Exhibit 2, pg. 84 of 159

Please provide the requested information in response to this email no later than March 18, 2022, so that we may proceed with our evaluation of your complaint and determine whether an investigation is warranted. If we do not hear from you within the time frame listed above, then our department will not be able to pursue this matter and no further action will be taken on your complaint. **When you respond to this letter, please refer to the complaint number shown above**, and please direct your response to my attention. We look forward to hearing from you.

Sincerely,

Jessica Sanchez

Senior Legal Assistant

Enforcement Division- Intake

Texas Department of Licensing & Regulation

512-539-5625

Jessica.Sanchez@tdlr.texas.gov

Complaint filed against Gregory A. Cook with Austin CAD, case #PTP20220006386/ Tracking #126915

From: Jessica Sanchez Jessica.Sanchez@tdlr.texas.gov

To: Meridian Contracting mcallister@mcsitexas.com

Date: Fri, Mar 18, 2022, 3:08 PM

Complainant Opening Letter.pdf 289 KB

Dear Kent McAllister,

Please see the attached Complainant Opening Letter regarding the complaint filed against Gregory A. Cook with Austin CAD, case #PTP20220006386.

Sincerely,

Jessica Sanchez

Senior Legal Assistant

Enforcement Division- Intake

Texas Department of Licensing & Regulation

512-539-5625

Jessica.Sanchez@tdlr.texas.gov

Austin County Appraisal District
Appraisal Review Board
906 E. Amelia St.
Bellville, TX 77418



Telephone: 979-865-9124
Fax: 979-865-3296
e-mail: austincad@gmail.com

September 7, 2022

Kenton J McAllister
223 Park Rd 38
Sealy TX 77474

Re: Notice of Issuance of Order

Dear Property Owner / Agent,

The Austin County Appraisal District Appraisal Review Board has issued an order in your protest on the properties referenced in the enclosed documents.

A copy of this order is enclosed for your inspection.

Respectfully,

David Franklin, ARB Secretary
Austin County Appraisal Review Board

Order Determining Protest or Notice of Dismissal

Exhibit 2, pg. 87 of 159 Form 50-221

Appraisal Review Board

Austin County, Texas

Case Number: 202200066

Owner's Name: MCALLISTER KENTON J

Property Legal Description:

Parcel/Seq: 14796/1

Account Number: R000014796

Legals: SAN FELIPE NEW ADDN BLOCK 24 LOT 6 - 8, 10
- 19

ORDER DETERMINING PROTEST OR NOTICE OF DISMISSAL

On 09/07/2022, the Appraisal Review Board of Austin County, Texas, heard the protest of RR90724371 - MCALLISTER KENTON J concerning the appraisal records for tax year 2022.

The appraisal review board (ARB) delivered proper notice of the date, time, place and subject of the hearing. The property owner or agent and the chief appraiser of the appraisal district (CAD) were given the opportunity to testify and to present evidence. After considering the evidence and arguments presented at the hearing, the ARB has determined that the protest concerned the following action(s) permitted by Tax Code Section 41.41(a):

- ☒ incorrect appraised or market value
☒ unequal appraisal
☐ inclusion of the property on the appraisal records
☒ denial in whole or in part of a partial exemption
☐ determination that land does not qualify for appraisal according to Subchapters C, D, E, or H
☐ determination of the appropriate damage assessment rating under Tax Code Section 11.35
☒ any other matter permitted by Section 41.41(a)

Based on the evidence, the ARB makes the following determination(s) as indicated by a ✓ mark and hereby issues the following as its ORDER DETERMINING PROTEST OR NOTICE OF DISMISSAL:

- ☐ The ARB lacks jurisdiction to determine the protest and hereby dismisses the protest.
- ☐ The property's appraised value is excessive, and the appraisal records should be changed to: a land value of \$_____ from the CAD land value of \$_____; and an improvement value of \$_____ from the CAD improvement value of \$_____.
- ☐ The property's market value is excessive, and the appraisal records should be changed to \$_____ from the CAD value* of \$_____.
- ☒ The appraised or market value of the subject property is not excessive and the appraisal records should not be changed or should be increased. The appraised value of the land is \$20,838; the appraised value of the improvement is \$0; and the property's market value is \$20,838.
- ☐ The subject property was unequally appraised and the appraisal records should be adjusted to reflect a land value of \$_____ and an improvement value of \$_____.
- ☒ The subject property was not unequally appraised and the appraisal records should reflect the appraised land value of \$20,838 and an improvement value of \$0.
- ☐ The subject property qualified for the exemption for which application was made, and the appraisal records should be changed accordingly.
- ☐ The subject property qualified for a temporary exemption under Tax Code Section 11.35 and should be assigned a damage assessment rating of Level _____.
- ☐ The subject property qualified for special appraisal, and the appraisal records should be changed to reflect an appraised value of \$_____.
- ☐ The property owner's protest concerning other matters permitted by Section 41.41(a) is upheld, and the appraisal records should be changed to reflect the following change(s): _____
- ☒ The property owner's protest concerning other matters permitted by Section 41.41(a) is denied, and the appraisal records should not be changed.

If changes to the appraisal records are ordered due to a determination of excessive appraised or market value and also a determination of unequal appraisal, the lower of the two determinations shall be shown in the appraisal records.

sign
here

Chair, Appraisal Review Board

September 7, 2022

Date

* as shown in the appraisal records submitted to the ARB by the chief appraiser under Tax Code Section 25.22 or 25.23.

Notice of Final Order of Appraisal Review Board

9/9/2022

Austin	906 E. AMELIA ST.	BELLVILLE, TX 77418
County of Appraisal Review Board	Address	City, State, ZIP Code
MCALLISTER KENTON J	223 PARK RD 38	SEALY, TX 77474-
Name of Property Owner	Address	City, State, ZIP Code
202200066	Parcel ID: 14796	Acct #: R000014796
Case Number	Property Account Number	

SAN FELIPE NEW ADDN BLOCK 24 LOT 6 - 8, 10 - 19

Property Legal Description

A PROPERTY OWNER HAS A RIGHT TO APPEAL IN DISTRICT COURT AN APPRAISAL REVIEW BOARD ORDER DETERMINING A PROTEST AS PROVIDED BY TEXAS TAX CODE CHAPTER 42. TO APPEAL SUCH AN ORDER TO DISTRICT COURT, A PARTY MUST FILE A PETITION FOR REVIEW WITH THE DISTRICT COURT WITHIN 60 DAYS AFTER THE PARTY RECEIVES NOTICE THAT A FINAL ORDER HAS BEEN ENTERED FROM WHICH AN APPEAL MAY BE HAD OR AT ANY TIME AFTER THE HEARING BUT BEFORE THE 60-DAY DEADLINE. A PROPERTY OWNER ALSO HAS A RIGHT TO APPEAL IN DISTRICT COURT A DETERMINATION OF AN APPRAISAL REVIEW BOARD ON A MOTION FILED UNDER TAX CODE SECTION 25.25. THE LAW PROVIDES THAT TO FILE SUIT TO COMPEL AN APPRAISAL REVIEW BOARD TO ORDER A CHANGE IN THE APPRAISAL ROLL UNDER TAX CODE SECTION 25.25, A PARTY MUST FILE SUIT WITHIN 60 DAYS AFTER THE PARTY RECEIVES NOTICE OF THE APPRAISAL REVIEW BOARD'S DETERMINATION OF A MOTION UNDER TAX CODE SECTION 25.25 OR A DETERMINATION THAT THE PROPERTY OWNER HAS FAILED TO COMPLY WITH THE PRE-PAYMENT REQUIREMENTS. FAILURE TO TIMELY FILE A PETITION BARS AN APPEAL TO DISTRICT COURT.

A PARTY OTHER THAN A PROPERTY OWNER, IN ORDER TO EXERCISE THE PARTY'S RIGHT TO APPEAL AN ORDER OF AN APPRAISAL REVIEW BOARD, MUST FILE A WRITTEN NOTICE OF APPEAL WITHIN 15 DAYS AFTER THE DATE THE PARTY RECEIVES THIS NOTICE OR, IN THE CASE OF A TAXING UNIT, WITHIN 15 DAYS AFTER THE DATE THE TAXING UNIT RECEIVES NOTICE PURSUANT TO TAX CODE SECTION 41.07.

For more information regarding appeal to district court, you should consult Tax Code Chapter 42 and the clerk of the court. If you need legal advice, you should consult an attorney.

As an alternative to filing an appeal to district court, a property owner may appeal through binding arbitration an appraisal review board order determining a protest filed under Tax Code Section 41.41(a)(1) or (2) concerning the appraised or market value of property if:

- (1) the property qualifies as the owner's residence homestead under Tax Code Section 11.13; or
- (2) the appraised or market value, as applicable, of the property as determined by the order is \$5 million or less.

To appeal an appraisal review board order through binding arbitration, a property owner must file with the appraisal district not later than the 60th day after the date the property owner receives notice of the order:

- (1) a completed request for binding arbitration, a copy of which is enclosed with this notice; and
- (2) an applicable arbitration deposit made payable to the Comptroller in the amount provided under Tax Code Chapter 41A.

For more information regarding appeal through binding arbitration, you should consult Texas Tax Code Chapter 41A and Comptroller Rules 9.4251-9.4266. If you need legal advice, you should consult an attorney.

As an alternative to filing an appeal to district court, certain property owners may appeal to the State Office of Administrative Hearings (SOAH) an appraisal review board order determining a protest concerning the appraised or market value of property brought under Tax Code Section 41.41(a)(1) or (2) if the appraised or market value, as applicable, of the property that was the subject of the protest, as determined by the appraisal review board order, is more than \$1 million.

To appeal an appraisal review board order to SOAH, a property owner must file with the chief appraiser of the appraisal district not later than the 30th day after the date the property owner receives notice of the order:

- (1) a completed notice of appeal to SOAH, a copy of which is enclosed with this notice; and
- (2) not later than the 90th day after the date the property owner receives the notice of order a deposit of \$1,500 made payable to SOAH must be filed with the appraisal district.

For more information regarding appeal to SOAH, you should consult Government Code Chapter 2003 and related SOAH rules. If you need legal advice, you should consult an attorney.

It is important to note that the pendency of an appeal, whether to district court, through binding arbitration or to SOAH, does not affect the delinquency date for the taxes on the property subject to the appeal. For more specific information, consult the applicable statutes and rules.

Order Determining Protest or Notice of Dismissal

Exhibit 2, pg. 89 of 159-221

Appraisal Review Board

Austin County, Texas

Case Number: 202200081

Owner's Name: MCALLISTER KENT

Property Legal Description:

Parcel/Seq: 14042/1

Account Number: R000014042

Legals: SAN FELIPE BLDG ADDN LOT 139-141, 184-186

ORDER DETERMINING PROTEST OR NOTICE OF DISMISSAL

On 09/07/2022, the Appraisal Review Board of Austin County, Texas, heard the protest of RR63680 - MCALLISTER KENT concerning the appraisal records for tax year 2022.

The appraisal review board (ARB) delivered proper notice of the date, time, place and subject of the hearing. The property owner or agent and the chief appraiser of the appraisal district (CAD) were given the opportunity to testify and to present evidence. After considering the evidence and arguments presented at the hearing, the ARB has determined that the protest concerned the following action(s) permitted by Tax Code Section 41.41(a):

- ☒ incorrect appraised or market value
☒ unequal appraisal
☐ inclusion of the property on the appraisal records
☒ denial in whole or in part of a partial exemption
☐ determination that land does not qualify for appraisal according to Subchapters C, D, E, or H
☐ determination of the appropriate damage assessment rating under Tax Code Section 11.35
☒ any other matter permitted by Section 41.41(a)

Based on the evidence, the ARB makes the following determination(s) as indicated by a ☒ mark and hereby issues the following as its ORDER DETERMINING PROTEST OR NOTICE OF DISMISSAL:

- ☐ The ARB lacks jurisdiction to determine the protest and hereby dismisses the protest.
- ☐ The property's appraised value is excessive, and the appraisal records should be changed to: a land value of \$_____ from the CAD land value of \$_____; and an improvement value of \$_____ from the CAD improvement value of \$_____.
- ☐ The property's market value is excessive, and the appraisal records should be changed to \$_____ from the CAD value* of \$_____.
- ☒ The appraised or market value of the subject property is not excessive and the appraisal records should not be changed or should be increased. The appraised value of the land is \$5,805; the appraised value of the improvement is \$211,690; and the property's market value is \$241,000.
- ☐ The subject property was unequally appraised and the appraisal records should be adjusted to reflect a land value of \$_____ and an improvement value of \$_____.
- ☒ The subject property was not unequally appraised and the appraisal records should reflect the appraised land value of \$5,805 and an improvement value of \$211,690.
- ☐ The subject property qualified for the exemption for which application was made, and the appraisal records should be changed accordingly.
- ☐ The subject property qualified for a temporary exemption under Tax Code Section 11.35 and should be assigned a damage assessment rating of Level _____.
- ☐ The subject property qualified for special appraisal, and the appraisal records should be changed to reflect an appraised value of \$_____.
- ☐ The property owner's protest concerning other matters permitted by Section 41.41(a) is upheld, and the appraisal records should be changed to reflect the following change(s): _____.
- ☒ The property owner's protest concerning other matters permitted by Section 41.41(a) is denied, and the appraisal records should not be changed.

If changes to the appraisal records are ordered due to a determination of excessive appraised or market value and also a determination of unequal appraisal, the lower of the two determinations shall be shown in the appraisal records.

sign
here

Chair, Appraisal Review Board

September 7, 2022

Date

* as shown in the appraisal records submitted to the ARB by the chief appraiser under Tax Code Section 25.22 or 25.23.

Notice of Final Order of Appraisal Review Board

9/9/2022

<u>Austin</u>	<u>906 E. AMELIA ST.</u>	<u>BELLVILLE, TX 77418</u>
County of Appraisal Review Board	Address	City, State, ZIP Code
<u>MCALLISTER KENT</u>	<u>223 PARK ROAD 38</u>	<u>SEALY, TX 77474-</u>
Name of Property Owner	Address	City, State, ZIP Code
<u>202200081</u>	<u>Parcel ID: 14042</u>	<u>Acct #: R000014042</u>
Case Number	Property Account Number	

SAN FELIPE BLDG ADDN LOT 139-141, 184-186

Property Legal Description

A PROPERTY OWNER HAS A RIGHT TO APPEAL IN DISTRICT COURT AN APPRAISAL REVIEW BOARD ORDER DETERMINING A PROTEST AS PROVIDED BY TEXAS TAX CODE CHAPTER 42. TO APPEAL SUCH AN ORDER TO DISTRICT COURT, A PARTY MUST FILE A PETITION FOR REVIEW WITH THE DISTRICT COURT WITHIN 60 DAYS AFTER THE PARTY RECEIVES NOTICE THAT A FINAL ORDER HAS BEEN ENTERED FROM WHICH AN APPEAL MAY BE HAD OR AT ANY TIME AFTER THE HEARING BUT BEFORE THE 60-DAY DEADLINE. A PROPERTY OWNER ALSO HAS A RIGHT TO APPEAL IN DISTRICT COURT A DETERMINATION OF AN APPRAISAL REVIEW BOARD ON A MOTION FILED UNDER TAX CODE SECTION 25.25. THE LAW PROVIDES THAT TO FILE SUIT TO COMPEL AN APPRAISAL REVIEW BOARD TO ORDER A CHANGE IN THE APPRAISAL ROLL UNDER TAX CODE SECTION 25.25, A PARTY MUST FILE SUIT WITHIN 60 DAYS AFTER THE PARTY RECEIVES NOTICE OF THE APPRAISAL REVIEW BOARD'S DETERMINATION OF A MOTION UNDER TAX CODE SECTION 25.25 OR A DETERMINATION THAT THE PROPERTY OWNER HAS FAILED TO COMPLY WITH THE PRE-PAYMENT REQUIREMENTS. FAILURE TO TIMELY FILE A PETITION BARS AN APPEAL TO DISTRICT COURT.

A PARTY OTHER THAN A PROPERTY OWNER, IN ORDER TO EXERCISE THE PARTY'S RIGHT TO APPEAL AN ORDER OF AN APPRAISAL REVIEW BOARD, MUST FILE A WRITTEN NOTICE OF APPEAL WITHIN 15 DAYS AFTER THE DATE THE PARTY RECEIVES THIS NOTICE OR, IN THE CASE OF A TAXING UNIT, WITHIN 15 DAYS AFTER THE DATE THE TAXING UNIT RECEIVES NOTICE PURSUANT TO TAX CODE SECTION 41.07.

For more information regarding appeal to district court, you should consult Tax Code Chapter 42 and the clerk of the court. If you need legal advice, you should consult an attorney.

As an alternative to filing an appeal to district court, a property owner may appeal through binding arbitration an appraisal review board order determining a protest filed under Tax Code Section 41.41(a)(1) or (2) concerning the appraised or market value of property if:

- (1) the property qualifies as the owner's residence homestead under Tax Code Section 11.13; or
- (2) the appraised or market value, as applicable, of the property as determined by the order is \$5 million or less.

To appeal an appraisal review board order through binding arbitration, a property owner must file with the appraisal district not later than the 60th day after the date the property owner receives notice of the order:

- (1) a completed request for binding arbitration, a copy of which is enclosed with this notice; and
- (2) an applicable arbitration deposit made payable to the Comptroller in the amount provided under Tax Code Chapter 41A.

For more information regarding appeal through binding arbitration, you should consult Texas Tax Code Chapter 41A and Comptroller Rules 9.4251-9.4266. If you need legal advice, you should consult an attorney.

As an alternative to filing an appeal to district court, certain property owners may appeal to the State Office of Administrative Hearings (SOAH) an appraisal review board order determining a protest concerning the appraised or market value of property brought under Tax Code Section 41.41(a)(1) or (2) if the appraised or market value, as applicable, of the property that was the subject of the protest, as determined by the appraisal review board order, is more than \$1 million.

To appeal an appraisal review board order to SOAH, a property owner must file with the chief appraiser of the appraisal district not later than the 30th day after the date the property owner receives notice of the order:

- (1) a completed notice of appeal to SOAH, a copy of which is enclosed with this notice; and
- (2) not later than the 90th day after the date the property owner receives the notice of order a deposit of \$1,500 made payable to SOAH must be filed with the appraisal district.

For more information regarding appeal to SOAH, you should consult Government Code Chapter 2003 and related SOAH rules. If you need legal advice, you should consult an attorney. It is important to note that the pendency of an appeal, whether to district court, through binding arbitration or to SOAH, does not affect the delinquency date for the taxes on the property subject to the appeal. For more specific information, consult the applicable statutes and rules.

Order Determining Protest or Notice of Dismissal

Exhibit 2, p

Form 50-221

Appraisal Review Board

Austin County, Texas

Case Number: 202200080

Owner's Name: MCALLISTER KENT

Property Legal Description:

Parcel/Seq: 71829/1

Account Number: R000071829

Legals: SAN FELIPE BLDG ADDN LOT 199-201, 250-252

ORDER DETERMINING PROTEST OR NOTICE OF DISMISSAL

On 09/07/2022, the Appraisal Review Board of Austin County, Texas, heard the protest of RR63680 - MCALLISTER KENT concerning the appraisal records for tax year 2022.

The appraisal review board (ARB) delivered proper notice of the date, time, place and subject of the hearing. The property owner or agent and the chief appraiser of the appraisal district (CAD) were given the opportunity to testify and to present evidence. After considering the evidence and arguments presented at the hearing, the ARB has determined that the protest concerned the following action(s) permitted by Tax Code Section 41.41(a):

- ☒ incorrect appraised or market value
- ☒ unequal appraisal
- ☐ inclusion of the property on the appraisal records
- ☒ denial in whole or in part of a partial exemption
- ☐ determination that land does not qualify for appraisal according to Subchapters C, D, E, or H
- ☐ determination of the appropriate damage assessment rating under Tax Code Section 11.35
- ☒ any other matter permitted by Section 41.41(a)

Based on the evidence, the ARB makes the following determination(s) as indicated by a ☒ mark and hereby issues the following as its ORDER DETERMINING PROTEST OR NOTICE OF DISMISSAL:

- ☐ The ARB lacks jurisdiction to determine the protest and hereby dismisses the protest.
- ☐ The property's appraised value is excessive, and the appraisal records should be changed to: a land value of \$ _____ from the CAD land value of \$ _____; and an improvement value of \$ _____ from the CAD improvement value of \$ _____.
- ☐ The property's market value is excessive, and the appraisal records should be changed to \$ _____ from the CAD value* of \$ _____.
- ☒ The appraised or market value of the subject property is not excessive and the appraisal records should not be changed or should be increased. The appraised value of the land is \$303; the appraised value of the improvement is \$0; and the property's market value is \$29,566.
- ☐ The subject property was unequally appraised and the appraisal records should be adjusted to reflect a land value of \$ _____ and an improvement value of \$ _____.
- ☒ The subject property was not unequally appraised and the appraisal records should reflect the appraised land value of \$303 and an improvement value of \$0.
- ☐ The subject property qualified for the exemption for which application was made, and the appraisal records should be changed accordingly.
- ☐ The subject property qualified for a temporary exemption under Tax Code Section 11.35 and should be assigned a damage assessment rating of Level .
- ☐ The subject property qualified for special appraisal, and the appraisal records should be changed to reflect an appraised value of \$ _____.
- ☐ The property owner's protest concerning other matters permitted by Section 41.41(a) is upheld, and the appraisal records should be changed to reflect the following change(s):
- ☒ The property owner's protest concerning other matters permitted by Section 41.41(a) is denied, and the appraisal records should not be changed.

If changes to the appraisal records are ordered due to a determination of excessive appraised or market value and also a determination of unequal appraisal, the lower of the two determinations shall be shown in the appraisal records.

sign
here

Chair, Appraisal Review Board

September 7, 2022

Date

* as shown in the appraisal records submitted to the ARB by the chief appraiser under Tax Code Section 25.22 or 25.23.

Notice of Final Order of Appraisal Review Board

9/9/2022

Austin	906 E. AMELIA ST.	BELLVILLE, TX 77418
County of Appraisal Review Board	Address	City, State, ZIP Code
MCALLISTER KENT	223 PARK ROAD 38	SEALY, TX 77474-
Name of Property Owner	Address	City, State, ZIP Code
202200080	Parcel ID: 71829	Acct #: R000071829
Case Number	Property Account Number	

SAN FELIPE BLDG ADDN LOT 199-201, 250-252

Property Legal Description

A PROPERTY OWNER HAS A RIGHT TO APPEAL IN DISTRICT COURT AN APPRAISAL REVIEW BOARD ORDER DETERMINING A PROTEST AS PROVIDED BY TEXAS TAX CODE CHAPTER 42. TO APPEAL SUCH AN ORDER TO DISTRICT COURT, A PARTY MUST FILE A PETITION FOR REVIEW WITH THE DISTRICT COURT WITHIN 60 DAYS AFTER THE PARTY RECEIVES NOTICE THAT A FINAL ORDER HAS BEEN ENTERED FROM WHICH AN APPEAL MAY BE HAD OR AT ANY TIME AFTER THE HEARING BUT BEFORE THE 60-DAY DEADLINE. A PROPERTY OWNER ALSO HAS A RIGHT TO APPEAL IN DISTRICT COURT A DETERMINATION OF AN APPRAISAL REVIEW BOARD ON A MOTION FILED UNDER TAX CODE SECTION 25.25. THE LAW PROVIDES THAT TO FILE SUIT TO COMPEL AN APPRAISAL REVIEW BOARD TO ORDER A CHANGE IN THE APPRAISAL ROLL UNDER TAX CODE SECTION 25.25, A PARTY MUST FILE SUIT WITHIN 60 DAYS AFTER THE PARTY RECEIVES NOTICE OF THE APPRAISAL REVIEW BOARD'S DETERMINATION OF A MOTION UNDER TAX CODE SECTION 25.25 OR A DETERMINATION THAT THE PROPERTY OWNER HAS FAILED TO COMPLY WITH THE PRE-PAYMENT REQUIREMENTS. FAILURE TO TIMELY FILE A PETITION BARS AN APPEAL TO DISTRICT COURT.

A PARTY OTHER THAN A PROPERTY OWNER, IN ORDER TO EXERCISE THE PARTY'S RIGHT TO APPEAL AN ORDER OF AN APPRAISAL REVIEW BOARD, MUST FILE A WRITTEN NOTICE OF APPEAL WITHIN 15 DAYS AFTER THE DATE THE PARTY RECEIVES THIS NOTICE OR, IN THE CASE OF A TAXING UNIT, WITHIN 15 DAYS AFTER THE DATE THE TAXING UNIT RECEIVES NOTICE PURSUANT TO TAX CODE SECTION 41.07.

For more information regarding appeal to district court, you should consult Tax Code Chapter 42 and the clerk of the court. If you need legal advice, you should consult an attorney.

As an alternative to filing an appeal to district court, a property owner may appeal through binding arbitration an appraisal review board order determining a protest filed under Tax Code Section 41.41(a)(1) or (2) concerning the appraised or market value of property if:

- (1) the property qualifies as the owner's residence homestead under Tax Code Section 11.13; or
- (2) the appraised or market value, as applicable, of the property as determined by the order is \$5 million or less.

To appeal an appraisal review board order through binding arbitration, a property owner must file with the appraisal district not later than the 60th day after the date the property owner receives notice of the order:

- (1) a completed request for binding arbitration, a copy of which is enclosed with this notice; and
- (2) an applicable arbitration deposit made payable to the Comptroller in the amount provided under Tax Code Chapter 41A.

For more information regarding appeal through binding arbitration, you should consult Texas Tax Code Chapter 41A and Comptroller Rules 9.4251-9.4266. If you need legal advice, you should consult an attorney.

As an alternative to filing an appeal to district court, certain property owners may appeal to the State Office of Administrative Hearings (SOAH) an appraisal review board order determining a protest concerning the appraised or market value of property brought under Tax Code Section 41.41(a)(1) or (2) if the appraised or market value, as applicable, of the property that was the subject of the protest, as determined by the appraisal review board order, is more than \$1 million.

To appeal an appraisal review board order to SOAH, a property owner must file with the chief appraiser of the appraisal district not later than the 30th day after the date the property owner receives notice of the order:

- (1) a completed notice of appeal to SOAH, a copy of which is enclosed with this notice; and
- (2) not later than the 90th day after the date the property owner receives the notice of order a deposit of \$1,500 made payable to SOAH must be filed with the appraisal district.

For more information regarding appeal to SOAH, you should consult Government Code Chapter 2003 and related SOAH rules. If you need legal advice, you should consult an attorney.

It is important to note that the pendency of an appeal, whether to district court, through binding arbitration or to SOAH, does not affect the delinquency date for the taxes on the property subject to the appeal. For more specific information, consult the applicable statutes and rules.

Order Determining Protest or Notice of Dismissal

Exhibit 2, pg. 93 of 159 Form 50-221

Appraisal Review Board

Austin County, Texas

Case Number: 202200079

Owner's Name: MCALLISTER KENT

Property Legal Description:

Parcel/Seq: 71830/1

Account Number: R000071830

Legals: SAN FELIPE BLDG ADDN LOT 202-204, 247-249

ORDER DETERMINING PROTEST OR NOTICE OF DISMISSAL

On 09/07/2022, the Appraisal Review Board of Austin County, Texas, heard the protest of RR63680 - MCALLISTER KENT concerning the appraisal records for tax year 2022.

The appraisal review board (ARB) delivered proper notice of the date, time, place and subject of the hearing. The property owner or agent and the chief appraiser of the appraisal district (CAD) were given the opportunity to testify and to present evidence. After considering the evidence and arguments presented at the hearing, the ARB has determined that the protest concerned the following action(s) permitted by Tax Code Section 41.41(a):

- ☒ incorrect appraised or market value
☒ unequal appraisal
☐ inclusion of the property on the appraisal records
☒ denial in whole or in part of a partial exemption
☐ determination that land does not qualify for appraisal according to Subchapters C, D, E, or H
☐ determination of the appropriate damage assessment rating under Tax Code Section 11.35
☒ any other matter permitted by Section 41.41(a)

Based on the evidence, the ARB makes the following determination(s) as indicated by a ☒ mark and hereby issues the following as its ORDER DETERMINING PROTEST OR NOTICE OF DISMISSAL:

- ☐ The ARB lacks jurisdiction to determine the protest and hereby dismisses the protest.
- ☐ The property's appraised value is excessive, and the appraisal records should be changed to: a land value of \$_____ from the CAD land value of \$_____; and an improvement value of \$_____ from the CAD improvement value of \$_____.
- ☐ The property's market value is excessive, and the appraisal records should be changed to \$_____ from the CAD value* of \$_____.
- ☒ The appraised or market value of the subject property is not excessive and the appraisal records should not be changed or should be increased. The appraised value of the land is \$300; the appraised value of the improvement is \$0; and the property's market value is \$29,310.
- ☐ The subject property was unequally appraised and the appraisal records should be adjusted to reflect a land value of \$_____ and an improvement value of \$_____.
- ☒ The subject property was not unequally appraised and the appraisal records should reflect the appraised land value of \$300 and an improvement value of \$0.
- ☐ The subject property qualified for the exemption for which application was made, and the appraisal records should be changed accordingly.
- ☐ The subject property qualified for a temporary exemption under Tax Code Section 11.35 and should be assigned a damage assessment rating of Level _____.
- ☐ The subject property qualified for special appraisal, and the appraisal records should be changed to reflect an appraised value of \$_____.
- ☐ The property owner's protest concerning other matters permitted by Section 41.41(a) is upheld, and the appraisal records should be changed to reflect the following change(s): _____
- ☒ The property owner's protest concerning other matters permitted by Section 41.41(a) is denied, and the appraisal records should not be changed.

If changes to the appraisal records are ordered due to a determination of excessive appraised or market value and also a determination of unequal appraisal, the lower of the two determinations shall be shown in the appraisal records.

sign
here

Chair, Appraisal Review Board

September 7, 2022

Date

* as shown in the appraisal records submitted to the ARB by the chief appraiser under Tax Code Section 25.22 or 25.23.

Notice of Final Order of Appraisal Review Board

9/9/2022

Austin	906 E. AMELIA ST.	BELLVILLE, TX 77418
County of Appraisal Review Board	Address	City, State, ZIP Code
MCALLISTER KENT	223 PARK ROAD 38	SEALY, TX 77474-
Name of Property Owner	Address	City, State, ZIP Code
202200079	Parcel ID: 71830	Acct #: R000071830
Case Number	Property Account Number	

SAN FELIPE BLDG ADDN LOT 202-204, 247-249

Property Legal Description

A PROPERTY OWNER HAS A RIGHT TO APPEAL IN DISTRICT COURT AN APPRAISAL REVIEW BOARD ORDER DETERMINING A PROTEST AS PROVIDED BY TEXAS TAX CODE CHAPTER 42. TO APPEAL SUCH AN ORDER TO DISTRICT COURT, A PARTY MUST FILE A PETITION FOR REVIEW WITH THE DISTRICT COURT WITHIN 60 DAYS AFTER THE PARTY RECEIVES NOTICE THAT A FINAL ORDER HAS BEEN ENTERED FROM WHICH AN APPEAL MAY BE HAD OR AT ANY TIME AFTER THE HEARING BUT BEFORE THE 60-DAY DEADLINE. A PROPERTY OWNER ALSO HAS A RIGHT TO APPEAL IN DISTRICT COURT A DETERMINATION OF AN APPRAISAL REVIEW BOARD ON A MOTION FILED UNDER TAX CODE SECTION 25.25. THE LAW PROVIDES THAT TO FILE SUIT TO COMPEL AN APPRAISAL REVIEW BOARD TO ORDER A CHANGE IN THE APPRAISAL ROLL UNDER TAX CODE SECTION 25.25, A PARTY MUST FILE SUIT WITHIN 60 DAYS AFTER THE PARTY RECEIVES NOTICE OF THE APPRAISAL REVIEW BOARD'S DETERMINATION OF A MOTION UNDER TAX CODE SECTION 25.25 OR A DETERMINATION THAT THE PROPERTY OWNER HAS FAILED TO COMPLY WITH THE PRE-PAYMENT REQUIREMENTS. FAILURE TO TIMELY FILE A PETITION BARS AN APPEAL TO DISTRICT COURT.

A PARTY OTHER THAN A PROPERTY OWNER, IN ORDER TO EXERCISE THE PARTY'S RIGHT TO APPEAL AN ORDER OF AN APPRAISAL REVIEW BOARD, MUST FILE A WRITTEN NOTICE OF APPEAL WITHIN 15 DAYS AFTER THE DATE THE PARTY RECEIVES THIS NOTICE OR, IN THE CASE OF A TAXING UNIT, WITHIN 15 DAYS AFTER THE DATE THE TAXING UNIT RECEIVES NOTICE PURSUANT TO TAX CODE SECTION 41.07.

For more information regarding appeal to district court, you should consult Tax Code Chapter 42 and the clerk of the court. If you need legal advice, you should consult an attorney.

As an alternative to filing an appeal to district court, a property owner may appeal through binding arbitration an appraisal review board order determining a protest filed under Tax Code Section 41.41(a)(1) or (2) concerning the appraised or market value of property if:

- (1) the property qualifies as the owner's residence homestead under Tax Code Section 11.13; or
- (2) the appraised or market value, as applicable, of the property as determined by the order is \$5 million or less.

To appeal an appraisal review board order through binding arbitration, a property owner must file with the appraisal district not later than the 60th day after the date the property owner receives notice of the order:

- (1) a completed request for binding arbitration, a copy of which is enclosed with this notice; and
- (2) an applicable arbitration deposit made payable to the Comptroller in the amount provided under Tax Code Chapter 41A.

For more information regarding appeal through binding arbitration, you should consult Texas Tax Code Chapter 41A and Comptroller Rules 9.4251-9.4266. If you need legal advice, you should consult an attorney.

As an alternative to filing an appeal to district court, certain property owners may appeal to the State Office of Administrative Hearings (SOAH) an appraisal review board order determining a protest concerning the appraised or market value of property brought under Tax Code Section 41.41(a)(1) or (2) if the appraised or market value, as applicable, of the property that was the subject of the protest, as determined by the appraisal review board order, is more than \$1 million.

To appeal an appraisal review board order to SOAH, a property owner must file with the chief appraiser of the appraisal district not later than the 30th day after the date the property owner receives notice of the order:

- (1) a completed notice of appeal to SOAH, a copy of which is enclosed with this notice; and
- (2) not later than the 90th day after the date the property owner receives the notice of order a deposit of \$1,500 made payable to SOAH must be filed with the appraisal district.

For more information regarding appeal to SOAH, you should consult Government Code Chapter 2003 and related SOAH rules. If you need legal advice, you should consult an attorney.

It is important to note that the pendency of an appeal, whether to district court, through binding arbitration or to SOAH, does not affect the delinquency date for the taxes on the property subject to the appeal. For more specific information, consult the applicable statutes and rules.

Order Determining Protest or Notice of Dismissal

Exhibit 2, pg. 95 of 159
Form 50-221

Appraisal Review Board

Austin County, Texas

Case Number: 202200077

Owner's Name: MCALLISTER KENTON JOHN

Property Legal Description:

Parcel/Seq: 17855/1

Account Number: R000017855

Legals: SAN FELIPE BLDG ADDN LOT 205, 206, 207,
244, 245, 246

ORDER DETERMINING PROTEST OR NOTICE OF DISMISSAL

On 09/07/2022, the Appraisal Review Board of Austin County, Texas, heard the protest of RR90717031 - MCALLISTER KENTON JOHN concerning the appraisal records for tax year 2022.

The appraisal review board (ARB) delivered proper notice of the date, time, place and subject of the hearing. The property owner or agent and the chief appraiser of the appraisal district (CAD) were given the opportunity to testify and to present evidence. After considering the evidence and arguments presented at the hearing, the ARB has determined that the protest concerned the following action(s) permitted by Tax Code Section 41.41(a):

- ☒ incorrect appraised or market value
☒ unequal appraisal
☐ inclusion of the property on the appraisal records
☒ denial in whole or in part of a partial exemption
☐ determination that land does not qualify for appraisal according to Subchapters C, D, E, or H
☐ determination of the appropriate damage assessment rating under Tax Code Section 11.35
☒ any other matter permitted by Section 41.41(a)

Based on the evidence, the ARB makes the following determination(s) as indicated by a ☒ mark and hereby issues the following as its ORDER DETERMINING PROTEST OR NOTICE OF DISMISSAL:

- ☐ The ARB lacks jurisdiction to determine the protest and hereby dismisses the protest.
- ☐ The property's appraised value is excessive, and the appraisal records should be changed to: a land value of \$_____ from the CAD land value of \$_____; and an improvement value of \$_____ from the CAD improvement value of \$_____.
- ☐ The property's market value is excessive, and the appraisal records should be changed to \$_____ from the CAD value* of \$_____.
- ☒ The appraised or market value of the subject property is not excessive and the appraisal records should not be changed or should be increased. The appraised value of the land is \$290; the appraised value of the improvement is \$0; and the property's market value is \$28,331.
- ☐ The subject property was unequally appraised and the appraisal records should be adjusted to reflect a land value of \$_____ and an improvement value of \$_____.
- ☒ The subject property was not unequally appraised and the appraisal records should reflect the appraised land value of \$290 and an improvement value of \$0.
- ☐ The subject property qualified for the exemption for which application was made, and the appraisal records should be changed accordingly.
- ☐ The subject property qualified for a temporary exemption under Tax Code Section 11.35 and should be assigned a damage assessment rating of Level _____.
- ☐ The subject property qualified for special appraisal, and the appraisal records should be changed to reflect an appraised value of \$_____.
- ☐ The property owner's protest concerning other matters permitted by Section 41.41(a) is upheld, and the appraisal records should be changed to reflect the following change(s): _____
- ☒ The property owner's protest concerning other matters permitted by Section 41.41(a) is denied, and the appraisal records should not be changed.

If changes to the appraisal records are ordered due to a determination of excessive appraised or market value and also a determination of unequal appraisal, the lower of the two determinations shall be shown in the appraisal records.

sign
here

Chair, Appraisal Review Board

September 7, 2022

Date

* as shown in the appraisal records submitted to the ARB by the chief appraiser under Tax Code Section 25.22 or 25.23.

Notice of Final Order of Appraisal Review Board

9/9/2022

Austin	906 E. AMELIA ST.	BELLVILLE, TX 77418
County of Appraisal Review Board	Address	City, State, ZIP Code
MCALLISTER KENTON JOHN	223 PARK RD	SEALY, TX 77474-
Name of Property Owner	Address	City, State, ZIP Code
202200077	Parcel ID: 17855	Acct #: R000017855
Case Number	Property Account Number	

SAN FELIPE BLDG ADDN LOT 205, 206, 207, 244, 245, 246

Property Legal Description

A PROPERTY OWNER HAS A RIGHT TO APPEAL IN DISTRICT COURT AN APPRAISAL REVIEW BOARD ORDER DETERMINING A PROTEST AS PROVIDED BY TEXAS TAX CODE CHAPTER 42. TO APPEAL SUCH AN ORDER TO DISTRICT COURT, A PARTY MUST FILE A PETITION FOR REVIEW WITH THE DISTRICT COURT WITHIN 60 DAYS AFTER THE PARTY RECEIVES NOTICE THAT A FINAL ORDER HAS BEEN ENTERED FROM WHICH AN APPEAL MAY BE HAD OR AT ANY TIME AFTER THE HEARING BUT BEFORE THE 60-DAY DEADLINE. A PROPERTY OWNER ALSO HAS A RIGHT TO APPEAL IN DISTRICT COURT A DETERMINATION OF AN APPRAISAL REVIEW BOARD ON A MOTION FILED UNDER TAX CODE SECTION 25.25. THE LAW PROVIDES THAT TO FILE SUIT TO COMPEL AN APPRAISAL REVIEW BOARD TO ORDER A CHANGE IN THE APPRAISAL ROLL UNDER TAX CODE SECTION 25.25, A PARTY MUST FILE SUIT WITHIN 60 DAYS AFTER THE PARTY RECEIVES NOTICE OF THE APPRAISAL REVIEW BOARD'S DETERMINATION OF A MOTION UNDER TAX CODE SECTION 25.25 OR A DETERMINATION THAT THE PROPERTY OWNER HAS FAILED TO COMPLY WITH THE PRE-PAYMENT REQUIREMENTS. FAILURE TO TIMELY FILE A PETITION BARS AN APPEAL TO DISTRICT COURT.

A PARTY OTHER THAN A PROPERTY OWNER, IN ORDER TO EXERCISE THE PARTY'S RIGHT TO APPEAL AN ORDER OF AN APPRAISAL REVIEW BOARD, MUST FILE A WRITTEN NOTICE OF APPEAL WITHIN 15 DAYS AFTER THE DATE THE PARTY RECEIVES THIS NOTICE OR, IN THE CASE OF A TAXING UNIT, WITHIN 15 DAYS AFTER THE DATE THE TAXING UNIT RECEIVES NOTICE PURSUANT TO TAX CODE SECTION 41.07.

For more information regarding appeal to district court, you should consult Tax Code Chapter 42 and the clerk of the court. If you need legal advice, you should consult an attorney.

As an alternative to filing an appeal to district court, a property owner may appeal through binding arbitration an appraisal review board order determining a protest filed under Tax Code Section 41.41(a)(1) or (2) concerning the appraised or market value of property if:

- (1) the property qualifies as the owner's residence homestead under Tax Code Section 11.13; or
- (2) the appraised or market value, as applicable, of the property as determined by the order is \$5 million or less.

To appeal an appraisal review board order through binding arbitration, a property owner must file with the appraisal district not later than the 60th day after the date the property owner receives notice of the order:

- (1) a completed request for binding arbitration, a copy of which is enclosed with this notice; and
- (2) an applicable arbitration deposit made payable to the Comptroller in the amount provided under Tax Code Chapter 41A.

For more information regarding appeal through binding arbitration, you should consult Texas Tax Code Chapter 41A and Comptroller Rules 9.4251-9.4266. If you need legal advice, you should consult an attorney.

As an alternative to filing an appeal to district court, certain property owners may appeal to the State Office of Administrative Hearings (SOAH) an appraisal review board order determining a protest concerning the appraised or market value of property brought under Tax Code Section 41.41(a)(1) or (2) if the appraised or market value, as applicable, of the property that was the subject of the protest, as determined by the appraisal review board order, is more than \$1 million.

To appeal an appraisal review board order to SOAH, a property owner must file with the chief appraiser of the appraisal district not later than the 30th day after the date the property owner receives notice of the order:

- (1) a completed notice of appeal to SOAH, a copy of which is enclosed with this notice; and
- (2) not later than the 90th day after the date the property owner receives the notice of order a deposit of \$1,500 made payable to SOAH must be filed with the appraisal district.

For more information regarding appeal to SOAH, you should consult Government Code Chapter 2003 and related SOAH rules. If you need legal advice, you should consult an attorney.

It is important to note that the pendency of an appeal, whether to district court, through binding arbitration or to SOAH, does not affect the delinquency date for the taxes on the property subject to the appeal. For more specific information, consult the applicable statutes and rules.

Order Determining Protest or Notice of Dismissal

Exhibit 2, pg. 97 of 159 Form 50-221

Appraisal Review Board

Austin County, Texas

Case Number: 202200078

Owner's Name: MCALLISTER KENT

Property Legal Description:

Parcel/Seq: 71828/1

Account Number: R000071828

Legals: SAN FELIPE BLDG ADDN LOT 268-270

ORDER DETERMINING PROTEST OR NOTICE OF DISMISSAL

On 09/07/2022, the Appraisal Review Board of Austin County, Texas, heard the protest of RR63680 - MCALLISTER KENT concerning the appraisal records for tax year 2022.

The appraisal review board (ARB) delivered proper notice of the date, time, place and subject of the hearing. The property owner or agent and the chief appraiser of the appraisal district (CAD) were given the opportunity to testify and to present evidence. After considering the evidence and arguments presented at the hearing, the ARB has determined that the protest concerned the following action(s) permitted by Tax Code Section 41.41(a):

- ☒ incorrect appraised or market value
- ☒ unequal appraisal
- ☐ inclusion of the property on the appraisal records
- ☒ denial in whole or in part of a partial exemption
- ☐ determination that land does not qualify for appraisal according to Subchapters C, D, E, or H
- ☐ determination of the appropriate damage assessment rating under Tax Code Section 11.35
- ☒ any other matter permitted by Section 41.41(a)

Based on the evidence, the ARB makes the following determination(s) as indicated by a ☒ mark and hereby issues the following as its ORDER DETERMINING PROTEST OR NOTICE OF DISMISSAL:

- ☐ The ARB lacks jurisdiction to determine the protest and hereby dismisses the protest.
- ☐ The property's appraised value is excessive, and the appraisal records should be changed to: a land value of \$ _____ from the CAD land value of \$ _____; and an improvement value of \$ _____ from the CAD improvement value of \$ _____.
- ☐ The property's market value is excessive, and the appraisal records should be changed to \$ _____ from the CAD value* of \$ _____.*
- ☒ The appraised or market value of the subject property is not excessive and the appraisal records should not be changed or should be increased. The appraised value of the land is \$145; the appraised value of the improvement is \$0; and the property's market value is \$14,160.
- ☐ The subject property was unequally appraised and the appraisal records should be adjusted to reflect a land value of \$ _____ and an improvement value of \$ _____.
- ☒ The subject property was not unequally appraised and the appraisal records should reflect the appraised land value of \$145 and an improvement value of \$0.
- ☐ The subject property qualified for the exemption for which application was made, and the appraisal records should be changed accordingly.
- ☐ The subject property qualified for a temporary exemption under Tax Code Section 11.35 and should be assigned a damage assessment rating of Level .
- ☐ The subject property qualified for special appraisal, and the appraisal records should be changed to reflect an appraised value of \$ _____.
- ☐ The property owner's protest concerning other matters permitted by Section 41.41(a) is upheld, and the appraisal records should be changed to reflect the following change(s):
- ☒ The property owner's protest concerning other matters permitted by Section 41.41(a) is denied, and the appraisal records should not be changed:

If changes to the appraisal records are ordered due to a determination of excessive appraised or market value and also a determination of unequal appraisal, the lower of the two determinations shall be shown in the appraisal records.

sign
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Chair, Appraisal Review Board

September 7, 2022

Date

* as shown in the appraisal records submitted to the ARB by the chief appraiser under Tax Code Section 25.22 or 25.23.

Notice of Final Order of Appraisal Review Board

9/9/2022

Austin	906 E. AMELIA ST.	BELLVILLE, TX 77418
County of Appraisal Review Board	Address	City, State, ZIP Code
MCALLISTER KENT	223 PARK ROAD 38	SEALY, TX 77474-
Name of Property Owner	Address	City, State, ZIP Code
202200078	Parcel ID: 71828	Acct #: R000071828
Case Number	Property Account Number	

SAN FELIPE BLDG ADDN LOT 268-270

Property Legal Description

A PROPERTY OWNER HAS A RIGHT TO APPEAL IN DISTRICT COURT AN APPRAISAL REVIEW BOARD ORDER DETERMINING A PROTEST AS PROVIDED BY TEXAS TAX CODE CHAPTER 42. TO APPEAL SUCH AN ORDER TO DISTRICT COURT, A PARTY MUST FILE A PETITION FOR REVIEW WITH THE DISTRICT COURT WITHIN 60 DAYS AFTER THE PARTY RECEIVES NOTICE THAT A FINAL ORDER HAS BEEN ENTERED FROM WHICH AN APPEAL MAY BE HAD OR AT ANY TIME AFTER THE HEARING BUT BEFORE THE 60-DAY DEADLINE. A PROPERTY OWNER ALSO HAS A RIGHT TO APPEAL IN DISTRICT COURT A DETERMINATION OF AN APPRAISAL REVIEW BOARD ON A MOTION FILED UNDER TAX CODE SECTION 25.25. THE LAW PROVIDES THAT TO FILE SUIT TO COMPEL AN APPRAISAL REVIEW BOARD TO ORDER A CHANGE IN THE APPRAISAL ROLL UNDER TAX CODE SECTION 25.25, A PARTY MUST FILE SUIT WITHIN 60 DAYS AFTER THE PARTY RECEIVES NOTICE OF THE APPRAISAL REVIEW BOARD'S DETERMINATION OF A MOTION UNDER TAX CODE SECTION 25.25 OR A DETERMINATION THAT THE PROPERTY OWNER HAS FAILED TO COMPLY WITH THE PRE-PAYMENT REQUIREMENTS. FAILURE TO TIMELY FILE A PETITION BARS AN APPEAL TO DISTRICT COURT.

A PARTY OTHER THAN A PROPERTY OWNER, IN ORDER TO EXERCISE THE PARTY'S RIGHT TO APPEAL AN ORDER OF AN APPRAISAL REVIEW BOARD, MUST FILE A WRITTEN NOTICE OF APPEAL WITHIN 15 DAYS AFTER THE DATE THE PARTY RECEIVES THIS NOTICE OR, IN THE CASE OF A TAXING UNIT, WITHIN 15 DAYS AFTER THE DATE THE TAXING UNIT RECEIVES NOTICE PURSUANT TO TAX CODE SECTION 41.07.

For more information regarding appeal to district court, you should consult Tax Code Chapter 42 and the clerk of the court. If you need legal advice, you should consult an attorney.

As an alternative to filing an appeal to district court, a property owner may appeal through binding arbitration an appraisal review board order determining a protest filed under Tax Code Section 41.41(a)(1) or (2) concerning the appraised or market value of property if:

- (1) the property qualifies as the owner's residence homestead under Tax Code Section 11.13; or
- (2) the appraised or market value, as applicable, of the property as determined by the order is \$5 million or less.

To appeal an appraisal review board order through binding arbitration, a property owner must file with the appraisal district not later than the 60th day after the date the property owner receives notice of the order:

- (1) a completed request for binding arbitration, a copy of which is enclosed with this notice; and
- (2) an applicable arbitration deposit made payable to the Comptroller in the amount provided under Tax Code Chapter 41A.

For more information regarding appeal through binding arbitration, you should consult Texas Tax Code Chapter 41A and Comptroller Rules 9.4251-9.4266. If you need legal advice, you should consult an attorney.

As an alternative to filing an appeal to district court, certain property owners may appeal to the State Office of Administrative Hearings (SOAH) an appraisal review board order determining a protest concerning the appraised or market value of property brought under Tax Code Section 41.41(a)(1) or (2) if the appraised or market value, as applicable, of the property that was the subject of the protest, as determined by the appraisal review board order, is more than \$1 million.

To appeal an appraisal review board order to SOAH, a property owner must file with the chief appraiser of the appraisal district not later than the 30th day after the date the property owner receives notice of the order:

- (1) a completed notice of appeal to SOAH, a copy of which is enclosed with this notice; and
- (2) not later than the 90th day after the date the property owner receives the notice of order a deposit of \$1,500 made payable to SOAH must be filed with the appraisal district.

For more information regarding appeal to SOAH, you should consult Government Code Chapter 2003 and related SOAH rules. If you need legal advice, you should consult an attorney.

It is important to note that the pendency of an appeal, whether to district court, through binding arbitration or to SOAH, does not affect the delinquency date for the taxes on the property subject to the appeal. For more specific information, consult the applicable statutes and rules.

Order Determining Protest or Notice of Dismissal Exhibit 2, pg. 99 Form 50-221

Appraisal Review Board

Austin County, Texas

Case Number: 202200076

Owner's Name: MCALLISTER KENT

Property Legal Description:

Parcel/Seq: 71831/1

Account Number: R000071831

Legals: SAN FELIPE BLDG ADDN LOT 142-144, 181-183

ORDER DETERMINING PROTEST OR NOTICE OF DISMISSAL

On 09/07/2022, the Appraisal Review Board of Austin County, Texas, heard the protest of RR63680 - MCALLISTER KENT concerning the appraisal records for tax year 2022.

The appraisal review board (ARB) delivered proper notice of the date, time, place and subject of the hearing. The property owner or agent and the chief appraiser of the appraisal district (CAD) were given the opportunity to testify and to present evidence. After considering the evidence and arguments presented at the hearing, the ARB has determined that the protest concerned the following action(s) permitted by Tax Code Section 41.41(a):

- ☒ incorrect appraised or market value
☒ unequal appraisal
 inclusion of the property on the appraisal records
☒ denial in whole or in part of a partial exemption
 determination that land does not qualify for appraisal according to Subchapters C, D, E, or H
 determination of the appropriate damage assessment rating under Tax Code Section 11.35
☒ any other matter permitted by Section 41.41(a)

Based on the evidence, the ARB makes the following determination(s) as indicated by a ☒ mark and hereby issues the following as its ORDER DETERMINING PROTEST OR NOTICE OF DISMISSAL:

- ☐ The ARB lacks jurisdiction to determine the protest and hereby dismisses the protest.
- ☐ The property's appraised value is excessive, and the appraisal records should be changed to: a land value of \$_____ from the CAD land value of \$_____; and an improvement value of \$_____ from the CAD improvement value of \$_____.
- ☐ The property's market value is excessive, and the appraisal records should be changed to \$_____ from the CAD value* of \$_____.
- ☒ The appraised or market value of the subject property is not excessive and the appraisal records should not be changed or should be increased. The appraised value of the land is \$5,805; the appraised value of the improvement is \$9,673; and the property's market value is \$38,983.
- ☐ The subject property was unequally appraised and the appraisal records should be adjusted to reflect a land value of \$_____ and an improvement value of \$_____.
- ☒ The subject property was not unequally appraised and the appraisal records should reflect the appraised land value of \$5,805 and an improvement value of \$9,673.
- ☐ The subject property qualified for the exemption for which application was made, and the appraisal records should be changed accordingly.
- ☐ The subject property qualified for a temporary exemption under Tax Code Section 11.35 and should be assigned a damage assessment rating of Level _____.
- ☐ The subject property qualified for special appraisal, and the appraisal records should be changed to reflect an appraised value of \$_____.
- ☐ The property owner's protest concerning other matters permitted by Section 41.41(a) is upheld, and the appraisal records should be changed to reflect the following change(s): _____
- ☒ The property owner's protest concerning other matters permitted by Section 41.41(a) is denied, and the appraisal records should not be changed:

If changes to the appraisal records are ordered due to a determination of excessive appraised or market value and also a determination of unequal appraisal, the lower of the two determinations shall be shown in the appraisal records.

sign
here

Chair, Appraisal Review Board

September 7, 2022

Date

* as shown in the appraisal records submitted to the ARB by the chief appraiser under Tax Code Section 25.22 or 25.23.

Notice of Final Order of Appraisal Review Board

9/9/2022

Austin	906 E. AMELIA ST.	BELLVILLE, TX 77418
County of Appraisal Review Board	Address	City, State, ZIP Code
MCALLISTER KENT	223 PARK ROAD 38	SEALY, TX 77474-
Name of Property Owner	Address	City, State, ZIP Code
202200076	Parcel ID: 71831	Acct #: R000071831
Case Number	Property Account Number	

SAN FELIPE BLDG ADDN LOT 142-144, 181-183

Property Legal Description

A PROPERTY OWNER HAS A RIGHT TO APPEAL IN DISTRICT COURT AN APPRAISAL REVIEW BOARD ORDER DETERMINING A PROTEST AS PROVIDED BY TEXAS TAX CODE CHAPTER 42. TO APPEAL SUCH AN ORDER TO DISTRICT COURT, A PARTY MUST FILE A PETITION FOR REVIEW WITH THE DISTRICT COURT WITHIN 60 DAYS AFTER THE PARTY RECEIVES NOTICE THAT A FINAL ORDER HAS BEEN ENTERED FROM WHICH AN APPEAL MAY BE HAD OR AT ANY TIME AFTER THE HEARING BUT BEFORE THE 60-DAY DEADLINE. A PROPERTY OWNER ALSO HAS A RIGHT TO APPEAL IN DISTRICT COURT A DETERMINATION OF AN APPRAISAL REVIEW BOARD ON A MOTION FILED UNDER TAX CODE SECTION 25.25. THE LAW PROVIDES THAT TO FILE SUIT TO COMPEL AN APPRAISAL REVIEW BOARD TO ORDER A CHANGE IN THE APPRAISAL ROLL UNDER TAX CODE SECTION 25.25, A PARTY MUST FILE SUIT WITHIN 60 DAYS AFTER THE PARTY RECEIVES NOTICE OF THE APPRAISAL REVIEW BOARD'S DETERMINATION OF A MOTION UNDER TAX CODE SECTION 25.25 OR A DETERMINATION THAT THE PROPERTY OWNER HAS FAILED TO COMPLY WITH THE PRE-PAYMENT REQUIREMENTS. FAILURE TO TIMELY FILE A PETITION BARS AN APPEAL TO DISTRICT COURT.

A PARTY OTHER THAN A PROPERTY OWNER, IN ORDER TO EXERCISE THE PARTY'S RIGHT TO APPEAL AN ORDER OF AN APPRAISAL REVIEW BOARD, MUST FILE A WRITTEN NOTICE OF APPEAL WITHIN 15 DAYS AFTER THE DATE THE PARTY RECEIVES THIS NOTICE OR, IN THE CASE OF A TAXING UNIT, WITHIN 15 DAYS AFTER THE DATE THE TAXING UNIT RECEIVES NOTICE PURSUANT TO TAX CODE SECTION 41.07.

For more information regarding appeal to district court, you should consult Tax Code Chapter 42 and the clerk of the court. If you need legal advice, you should consult an attorney.

As an alternative to filing an appeal to district court, a property owner may appeal through binding arbitration an appraisal review board order determining a protest filed under Tax Code Section 41.41(a)(1) or (2) concerning the appraised or market value of property if:

- (1) the property qualifies as the owner's residence homestead under Tax Code Section 11.13; or
- (2) the appraised or market value, as applicable, of the property as determined by the order is \$5 million or less.

To appeal an appraisal review board order through binding arbitration, a property owner must file with the appraisal district not later than the 60th day after the date the property owner receives notice of the order:

- (1) a completed request for binding arbitration, a copy of which is enclosed with this notice; and
- (2) an applicable arbitration deposit made payable to the Comptroller in the amount provided under Tax Code Chapter 41A.

For more information regarding appeal through binding arbitration, you should consult Texas Tax Code Chapter 41A and Comptroller Rules 9.4251-9.4266. If you need legal advice, you should consult an attorney.

As an alternative to filing an appeal to district court, certain property owners may appeal to the State Office of Administrative Hearings (SOAH) an appraisal review board order determining a protest concerning the appraised or market value of property brought under Tax Code Section 41.41(a)(1) or (2) if the appraised or market value, as applicable, of the property that was the subject of the protest, as determined by the appraisal review board order, is more than \$1 million.

To appeal an appraisal review board order to SOAH, a property owner must file with the chief appraiser of the appraisal district not later than the 30th day after the date the property owner receives notice of the order:

- (1) a completed notice of appeal to SOAH, a copy of which is enclosed with this notice; and
- (2) not later than the 90th day after the date the property owner receives the notice of order a deposit of \$1,500 made payable to SOAH must be filed with the appraisal district.

For more information regarding appeal to SOAH, you should consult Government Code Chapter 2003 and related SOAH rules. If you need legal advice, you should consult an attorney.

It is important to note that the pendency of an appeal, whether to district court, through binding arbitration or to SOAH, does not affect the delinquency date for the taxes on the property subject to the appeal. For more specific information, consult the applicable statutes and rules.

Texas Comptroller of Public Accounts

Appraisal Review Board Survey

Form 50-823

GENERAL INSTRUCTIONS: This survey is used to gather public comments and suggestions concerning appraisal review boards (ARBs) in compliance with Tax Code Section 5.104. It is intended to capture information concerning the performance of ARB panels and full ARBs, but not the results of protest hearings.

NOTE: The Comptroller's office **does not have** authority to intervene in local tax matters or take direct action on any comment or suggestion submitted.

FILING INSTRUCTIONS: Submit survey response to the Comptroller's Property Tax Assistance Division (PTAD) in one of these ways:

- **Electronic:** Use the designated computer at the appraisal district office (as those responses are collected directly by PTAD) or through surveymonkey.com/r/surveyarb and in Spanish at surveymonkey.com/r/Spanishsurveyarb.
- **Paper:** Deliver to PTAD in person or by mail at 1711 San Jacinto, 3rd Floor, Austin, Texas 78701.
- **Email:** Scan and email to PTAD at ptad.communications@cpa.texas.gov.

One survey should be completed per hearing conducted by a single ARB panel or the full ARB in a single day, whether concerning one account or several accounts and whether the accounts are related to the same property or not. Persons participating in protest hearings before the same ARB panel or full ARB on several days may complete one survey on each day. Persons participating in multiple protest hearings before different ARB panels are allowed to complete one survey for each panel in a single day.

SECTION 1: Respondent Information

Austin _____

County that the ARB serves _____

Date of your ARB hearing: _____
(mm/dd/yyyy)

Indicate the type of hearing:

- ☐ Live (in person)
- ☐ Telephone conference call
- ☐ Written affidavit (not part of telephone conference call hearing)

I am a (check one):

- ☐ Property owner who attended an ARB hearing personally
- ☐ Property owner's designated agent or representative who attended an ARB hearing
- ☐ Chief appraiser or appraisal district representative

SECTION 2: Indicate Your Comments About the Conduct of the ARB Members at the Hearing

	Strongly Agree	Agree	No Opinion	Disagree	Strongly Disagree
Courteous	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Attentive	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Knowledgeable	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Organized	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Your comments reflect the conduct of (select one) ☐ The ARB as a whole ☐ An individual ARB member

Texas Comptroller of Public Accounts Appraisal Review Board Survey

SECTION 3: Indicate Your Comments About the ARB Hearing Process

	Strongly Agree	Agree	No Opinion	Disagree	Strongly Disagree
Hearing procedures were instructive	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hearing procedures were followed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Service was prompt	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ARB Survey was mentioned (at or before the hearing)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Time to present evidence was reasonable	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Evidence was considered thoughtfully	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Protest determination was stated clearly	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SECTION 4: Indicate Your Comments About the ARB Hearing

	Excellent	Good	Fair	Poor
Overall impression of the ARB	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SECTION 5: Indicate Your Comments About the Protest of the Property Considered in a Hearing

How often do you protest?	<input type="checkbox"/> First time	<input type="checkbox"/> Every year	<input type="checkbox"/> Once every two to five years
If a protest was determined by the ARB, was the value of the property lowered?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not a value issue
Did you meet with appraisal district staff in an attempt to agree to an appraised value of your property prior to proceeding to an ARB hearing?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not a value issue
If you used the appraisal district website to prepare for your hearing, was the information on the website helpful?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not applicable
Did you present documentation to the ARB at your hearing?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	

SECTION 6: Indicate Your Suggestions to Improve the ARB Process

Should property owners communicate or meet with appraisal district staff before ARB hearings?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
Should property owners be given the option of how to receive evidence that appraisal districts will use at ARB hearings (e.g., paper, electronically or through a website posting)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
Should all property owners (in addition to residence homeowners) be allowed to file a protest electronically?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
Which is more important (select one)?	<input type="checkbox"/> Having a hearing start on time	<input type="checkbox"/> Having ample time to present your case at a hearing	
What information would have been useful to you in deciding whether to protest?	<input type="checkbox"/> Sales data	<input type="checkbox"/> Comparable property information	<input type="checkbox"/> Not applicable
To give individual homeowners an opportunity to present their cases, what is a reasonable amount of time for each party (property owner and appraisal district) to present evidence (select one)?	<input type="checkbox"/> Less than 10 minutes	<input type="checkbox"/> 10-15 minutes	<input type="checkbox"/> More than 15 minutes

SECTION 7: Additional Comments (250 character limit)



Request for Binding Arbitration

GLENN HEGAR

TEXAS COMPTROLLER OF PUBLIC ACCOUNTS

Do not complete and send this form without first carefully reading these instructions, Tax Code Chapter 41A and Comptroller Rules 9.4251 through 9.4266.

Purpose of form: This form may be used to file a request for binding arbitration with an appraisal district concerning a dispute of an appraisal review board (ARB) order of determination. As an alternative to filing an appeal to district court, a property owner is entitled to appeal through binding arbitration an ARB order that only determines a protest concerning the appraised or market value of property if:

- (1) the property qualifies as the owner's residence homestead under Tax Code Section 11.13, or the appraised or market value of the property as determined by the appraisal review board order of determination is \$5 million or less; and
- (2) the protest was filed under Tax Code Section 41.41(a)(1) (appraised or market value) or Tax Code Section 41.41(a)(2) (unequal appraisal).

When and what to file: A property owner or agent must file the following with the appraisal district not later than the 60th day after the date the property owner receives notice of the final ARB order.

- (1) a completed request for binding arbitration using this form;
- (2) a deposit in the required amount (Chart I) by **cashier's check or money order** payable to the Texas Comptroller of Public Accounts (a deposit is required for each request for arbitration);
- (3) a copy of the ARB order determining protest for the property for which binding arbitration is requested;
- (4) Form 50-791 if an agent is filing on behalf of a property owner.

Chart 1 Required Deposit	Residence Homestead	Appraised/Market Value per ARB Order	Deposit Amount
	Residence Homestead	\$500,000 or less	\$450
	Residence Homestead	More than \$500,000	\$500
	Not Residence Homestead	\$1 million or less	\$500
	Not Residence Homestead	More than \$1 million but not more than \$2 million	\$800
	Not Residence Homestead	More than \$2 million but not more than \$3 million	\$1,050
	Not Residence Homestead	More than \$3 million but not more than \$5 million	\$1,550

Where to file: This form and the required deposit must be filed with the county appraisal district that appraised the property for which arbitration is requested. **Do not file the request with the Comptroller of Public Accounts.**

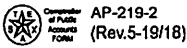
For assistance: Contact the Texas Comptroller's office at 800-252-9121 (press 2), 512-305-9999 or ptad.cpa@cpa.texas.gov. Additional information can be found at comptroller.texas.gov/taxes/property-tax/arbitration/index.php.

Other important information: Expenses incurred by the property owner in preparing for and attending the arbitration are the owner's responsibility. The arbitration deposit may only be used to pay for the cost of the arbitrator and the Comptroller's \$50 administrative fee. The deposit minus the Comptroller's fee will be refunded to the property owner if the arbitrator determines that the value is nearer to the property owner's opinion of value stated in the request for binding arbitration than the value as determined by the ARB.

A property owner who fails to strictly comply with legal requirements waives the property owner's right to request binding arbitration. A property owner who appeals to district court an ARB order determining a protest concerning appraised or market value waives the owner's right to request binding arbitration. An arbitrator shall dismiss any pending arbitration proceeding if the property owner's rights are waived. The deposit may not be refunded if the arbitration is dismissed under this circumstance.

The taxes on the property that are the subject of the arbitration must not be delinquent. Taxes are not delinquent if all amounts due for prior years have been paid and the undisputed tax amount for the year at issue was paid before the statutory delinquency date. If taxes are delinquent, the arbitration will be dismissed with prejudice. A property owner, however, will receive a refund of all but the administrative costs, if the arbitration is dismissed under this circumstance.

Laws: The request for binding arbitration process is established by Tax Code Chapter 41A. Requests for arbitration to appeal ARB orders are governed by Comptroller Rules 9.4251 through 9.4266 [34 Texas Administrative Code Sections 9.4251-9.4266].



Specific Instructions

This form is designed for use by property owners or agents, appraisal districts and the Comptroller's office. Only complete the part of the form that applies to you.

Arbitrating Contiguous Tracts of Land: You may arbitrate more than one tract of land for a single deposit, provided they are contiguous to one another. Please indicate if you choose to arbitrate contiguous tracts of land in box 16a and follow the directions before filling out the rest of the form. The deposit for arbitration of contiguous tracts of land is based on the value for the single highest valued tract of land.

Properties Valued at More Than \$5 Million: To arbitrate a property valued at more than \$5 million by the ARB, the property must qualify as the property owner's residence homestead under Tax Code Section 11.13.

For Property Owners or Agents

Complete the items 1 through 25 as applicable, and sign it. You must type or print in black ink so that the information can be scanned. Information for each applicable item must be provided so that your request can be processed in a timely fashion. A copy of the ARB order determining protest for the property for which binding arbitration is requested must be attached. Agents must submit a written authorization signed by the property owner on Comptroller Form 50-791. An agent's fiduciary form used for representation at the appraisal district or ARB **will not be accepted**.

Any refund to an owner or agent is subject to the provisions of Government Code Section 403.055 and related statutory provisions and rules. The federal Social Security Number, Comptroller-issued Texas Identification Number (TIN) or federal Individual Taxpayer Identification Number (ITIN) for an individual payee and either a Federal Employer Identification Number (FEIN) or TIN for a business payee authorized to receive deposit refunds is required in the Request for Binding Arbitration.

For Contiguous Arbitration: You must fill out a separate copy of page 2 on each contiguous tract of land to be arbitrated. A copy of the ARB order determining protest for each tract of land for which binding arbitration is requested must be attached. Enter an individual value you believe is correct for each contiguous tract of land to be arbitrated. The Comptroller's office will calculate the total value of all the tracts that will be used to determine who pays the arbitrator's fee.

For Appraisal Districts

Appraisal districts complete the first line marked CAD on page 1 of the form by providing the deposit amount, appraisal district number, last two digits of the tax year and the appraisal district number assigned to this arbitration request.

Appraisal districts complete the bottom portion of the form beginning with line 26 on page 2. You must provide the value determined by the ARB for the subject property, the geographic identification number (GEO#) and record identification number (R#). It is important that the order indicates the ARB certified appraised or market value of the subject property pursuant to Tax Code Section 41.41(a)(1) or (2). Any other determination cannot be the subject of an arbitration proceeding.

Check the applicable boxes concerning the request for binding arbitration. The chief appraiser or designated appraisal district employee must sign the form. Any items not checked must be accompanied by supporting documentation, if applicable.

For Contiguous Arbitration: You must fill out a separate copy of page 2 on each tract of land to be arbitrated. Enter in the individual ARB value for each tract of land to be arbitrated. The Comptroller's office will calculate the total value of all the tracts that will be used to determine who pays the arbitrator's fee.

Property Owner or Agent Checklist

- ☐ The property owner or the property owner's agent has signed the request for arbitration.
- ☐ The request was filed with the appraisal district not later than the 60th day after the date the property owner receives notice of the final ARB order.
- ☐ A deposit in the form of a check issued in the sufficient amount and guaranteed by a banking institution (such as a cashier's or teller's check) or by a money order is attached.
- ☐ If an agent is submitting the request, a written authorization (Form 50-791) signed by the property owner is attached, expressly authorizing the agent to sign and file the request.
- ☐ The request for arbitration concerns the appraised or market value of \$5 million or less for the property for which an ARB order was issued or which qualifies as the owner's residence homestead under Tax Code Section 11.13.
- ☐ The appeal does not involve any matter in dispute other than the determination of the appraised or market value of the property pursuant to Tax Code Section 41.41(a)(1) or (2).
- ☐ All parts of the request for arbitration have been completed.
- ☐ Taxes are not delinquent on the subject property because all amounts due for prior years have been paid and the undisputed tax amount for the year at issue was paid before the statutory delinquency date.
- ☐ The property that is the subject of this request for arbitration is not the subject of litigation for the tax year in question.
- ☐ A copy of the ARB order determining protest for the property for which binding arbitration is requested is attached.
- ☐ Retain a copy of this form and the deposit for your records.

**Request for Binding Arbitration**

• Type or print in black ink.

• Do not write in shaded areas.

<input type="checkbox"/> 9 9 1 0 0 T-CODE	<input type="checkbox"/> TP	<input type="checkbox"/> 0 6 8 DEPOSIT CODE	<input type="checkbox"/> _____ POSTMARK DATE	CAD	<input type="checkbox"/> _____ . 0 0 PAYMENT AMOUNT	<input type="checkbox"/> _____ CAD No.	<input type="checkbox"/> _____ Year	ARBITRATION NUMBER (Appraisal District Only) <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
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A copy of the ARB order determining protest for the property for which binding arbitration is requested must be attached.

PROPERTY OWNER INFORMATION - INDIVIDUAL

1. Owner's name (Last name, first name, middle initial, suffix (i.e., Jr., III, etc.))
- Last name: First name: M.I.: Suffix:
2. Owner's Comptroller-issued Texas Identification Number OR Owner's Social Security Number* (or Individual Taxpayer Identification Number (ITIN))
- (if you now have or ever had one) * Your Social Security Number is not subject to public disclosure according to Government Code Section. - -

PROPERTY OWNER INFORMATION - COMPANY**-- Non company owners skip to line 5 --**

3. Corporation or partnership or estate name
4. Comptroller-issued Texas Identification Number OR Federal Employer Identification Number (FEIN)
- (if you now have or ever had one) assigned by the Internal Revenue Service -

CONTACT INFORMATION

5. Individual's name who is the contact for the property owner (and not an agent)
- Last name: First name: M.I.: Suffix:
6. Mailing address, city, state, ZIP code with extension
- Street number, P.O. Box, or rural route and box number:
- City: State/province: ZIP code: County (or country, if outside the U.S.):
7. Daytime phone (mandatory) - -
8. Email address*
- *Your email address is confidential according to Government Code Section 552.137; however, by including the email address on this form, you are affirmatively consenting to its release under the Public Information Act.

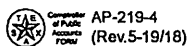
PROPERTY AGENT INFORMATION**-- If you are not using an agent, skip to line 16a --**

9. Individual's name (Last name, first name, middle initial, suffix (i.e., Jr., III, etc.)) [Agent must be an individual.]
- Last name: First name: M.I.: Suffix:
10. Agent's Comptroller-issued Texas Identification Number OR Agent's Social Security Number* (or Individual Taxpayer Identification Number (ITIN))
- (if you now have or ever had one) * Your Social Security Number is not subject to public disclosure according to Government Code Section. - -
11. Agent's mailing address, city, state, ZIP code with extension
- Street number or rural route and box number:
- City: State/province: ZIP code: County (or country, if outside the U.S.):
- Phone number (Mandatory) - - FAX number (Optional) - -
12. Daytime phone (mandatory) and FAX number (optional) - - - -
13. Email address*
- *Your email address is confidential according to Government Code Section 552.137; however, by including the email address on this form, you are affirmatively consenting to its release under the Public Information Act.
14. If the owner will be represented by an agent, please indicate the applicable agent's designation required to represent an owner in binding arbitration:
- ☐ An attorney licensed by the state of Texas State Bar No.
- ☐ A real estate broker or salesperson licensed under Occupations Code Chapter 1101 License No.
- ☐ A real estate appraiser licensed or certified under Occupations Code Chapter 1103 License No. **TX** - -
- ☐ A property tax consultant registered under Occupations Code Chapter 1152 Registration No. **P, R, O, P, T, C**,
- ☐ A certified public accountant licensed or certified under Occupations Code Chapter 901 License No.
15. If the owner has designated an agent, attach the written authorization to this form.
- Indicate if agent is given authority to receive a refund: ☐ Yes ☐ No Indicate if agent is the primary contact for the arbitration: ☐ Yes ☐ No

TO BE COMPLETED BY PROPERTY AGENT

PROPERTY INFORMATION

16. I request that the Comptroller's office initially appoint an arbitrator who (check only one box)
- ☐ Resides in the county in which the property is located ☐ Resides outside the county in which the property is located.
17. Are you requesting arbitration for contiguous tracts of land? ☐ Yes ☐ No If no, skip to line 18.



Request for Binding Arbitration

• Type or print in black ink.

• Do not write in shaded areas.

PROPERTY INFORMATION

18. Address or location of the property requested for arbitration as shown on order of determination and account number:

19. Please indicate the tax year as shown on the ARB order.

20. Type of property being appealed: ☐ Homestead ☐ Residential ☐ Land ☐ Commercial ☐ Minerals ☐ Agricultural ☐ Business personal property

21. Primary county in which the property is located

22. Value that owner believes is accurate market or appraised value (WHOLE DOLLARS ONLY):

(For contiguous properties, enter value for the individual property on line 16b. Do NOT enter per acre value.) \$

23. Please select the type of arbitration hearing you want: (Check only one box).

A ☐ In person only B ☐ By teleconference only C ☐ Either in person or by teleconference and the arbitrator may decideD ☐ On written documents only, submitted by the property owner and the appraisal district (without a meeting) if the appraisal district agrees; otherwise, a teleconference

24. I am appealing the market or appraised value of my property for the following reasons (Check all that apply):

A ☐ The property could not sell for the amount of value shown on the appraisal roll.B ☐ The property is unequally appraised.C ☐ The property has hidden damages or flaws that were not considered in the appraised value.D ☐ The methodology used by the appraisal district was inappropriate.E ☐ Evidence presented to the ARB was not fully considered.F ☐ The appraisal district did not correctly calculate the value limitation for residence homesteads.G ☐ The productivity value of the land or the special appraisal of the property allowed by law was not calculated correctly.25. ☐ I hereby request arbitration. I have attached one MONEY ORDER or CASHIER'S CHECK per arbitration request payable to the Texas Comptroller of Public Accounts for the appropriate fee outlined in Chart 1 and a copy of the ARB order I am appealing.

This form, the ARB order and the required deposit must be filed with the appraisal district for which the ARB order was issued. I understand that sending these items directly to the Comptroller will jeopardize my right to arbitrate. By signing this form, I certify that I am the property owner or individual authorized to file this request for binding arbitration.

Owner or agent signature

Type or print owner or agent name

Date

Month Day Year

sign here

FOR APPRAISAL DISTRICT USE ONLY -- For contiguous properties, fill out each page for every contiguous property being appealed.

26. Date of postmark or hand/courier/electronic delivery of request to appraisal district

Month Day Year

27. Date ARB order received by owner

Month Day Year

28. Certified tracking number for ARB order or electronic tracking

29. Appraisal District Property Identification Number

GEOGRAPHIC IDENTIFICATION NUMBER (GEO#) IF APPLICABLE

AND

RECORD IDENTIFICATION NUMBER (R#) IF APPLICABLE

30. Value determined by the ARB order (WHOLE DOLLARS ONLY):

(For contiguous properties, enter in value for the individual property.) \$

31. Cashier's check or money order

number of attached deposit.....

32. ☐ If an agent is submitting the request, a written authorization signed by the property owner is attached that expressly authorizes the agent to sign and file the request.

33. The appraisal district must check the applicable boxes below. Any items not checked must be accompanied by supporting documentation, if applicable:

☐ The property owner or agent has signed the request for arbitration.☐ The request was filed with the appraisal district not later than the deadline established in Tax Code Section 41A.03.☐ The property owner or agent attached a copy(ies) of the correct ARB order of determination for the property(ies) for which binding arbitration is requested.☐ A deposit in the form of a check issued and guaranteed by a banking institution (such as a cashier's or teller's check) or by a money order is attached.☐ The property qualifies as the owner's residence homestead according to Tax Code Section 11.13.☐ The appraised or market value of the property as determined by the ARB order of determination is \$5 million or less, or qualifies as the property owner's residence homestead.☐ The appeal does not involve any matter in dispute other than the determination of the appraised or market value of the property pursuant to Tax Code Section 41.41(a)(1) or (2).☐ Taxes are not delinquent on the subject property because all amounts due for prior years have been paid and the undisputed tax amount for the year at issue was paid before the statutory delinquency date.☐ The property that is the subject of this request for arbitration is not the subject of litigation for the tax year in question.☐ The properties that are subject to this request qualify for contiguous arbitration.

34. Fill out ARBITRATION NUMBER at the top of page 1.

35. The appraisal district ☐ DOES or ☐ DOES NOT consent to arbitrate by submission of written documents.

I certify that the request for binding arbitration and deposit, along with a copy of the order determining protest if provided, have been submitted to the Comptroller of Public Accounts on the date indicated below:

Chief appraiser or CAD employee signature

Type or print chief appraiser or CAD employee name

Date

Month Day Year

sign here

OWNER OR AGENT (CONT.)

TO BE COMPLETED BY APPRAISAL DISTRICT

City/State/Zip: San Felipe, TX 77413

Work Phone: Home Phone: Mobile Phone: [281-961-0334](tel:281-961-0334)

Fax: E-mail: mcallister@mcsitexas.com

C. The person or firm you are complaining about:

Name: Greg Cook, RPA

Company Name: Austin County Appraisal District

Physical Address: 906 E. Amelia St.

City/State/Zip: Bellville, TX 77418

Mailing Address 906 E. Amelia St.

City/State/Zip: Bellville, TX 77418

Office Phone: [979-865-9124](tel:979-865-9124) Fax: [979-865-3296](tel:979-865-3296) Mobile Phone:

E-mail: austincad@gmail.com License or Registration #:

D. EXPLANATION: Describe your complaint in detail.

The Appraisal District acted outside of it's authority by falsely claiming that I don't own portions of my property (vacated roads) included in my deed without any due process or notice. The appraisal district staff made false statements of fact and omitted relevant information in order support their claim of non-ownership in an ARB hearing. A public information request (PIA) confirms that the Appraisal District is in possession of the Quitclaim Resolution Deed issued by the municipality proving ownership of the vacated roads. The Appraisal District has ignored multiple attempts to correct the illegal actions of the Appraisal District and it's staff. The Appraisal District is essentially "taking land" in violation of constitutional law and acting outside their authority. They have and continue to assert the false claim in spite of the evidence inflicting damage to me the property owner. I am asking for the matter to be investigated and those responsible to be held accountable.

[Enter Another Complaint](#)

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[Exit](#)





TEXAS DEPARTMENT OF LICENSING & REGULATION

Enforcement Division • PO Box 12157 • Austin, Texas 78711 • (512) 539-5600 • Fax (512) 539-5698

www.tdlr.texas.gov

March 4, 2022

KENT MCALLISTER
PO BOX 418
SAN FELIPE TX 77473 0418

RE: Complaint filed against Greg Cook with Austin CAD, **Complaint # PTP20220006386/**
Tracking #126915

Dear Kent McAllister:

The Texas Department of Licensing and Regulation (the Department) has received the complaint you filed against Greg Cook with Austin CAD. In order for us to proceed further with our review of your complaint, we will need some additional information. Specifically, please provide me with copies of the documentation from Austin County Appraisal District showing the altered information mentioned in your complaint, a copy of your property card (if available), a copy of your deed mentioned in your complaint, copies of the recording of your protest hearing and any documentation from the hearing, and any other documentation in support of your complaint.

Please provide the requested information via regular mail or my e-mail listed below no later than March 18, 2022, so that we may proceed with our evaluation of your complaint and determine whether an investigation is warranted. If we do not hear from you within the time frame listed above, then our department will not be able to pursue this matter and no further action will be taken on your complaint. **When you respond to this letter, please refer to the complaint number shown above, and please direct your response to my attention. We look forward to hearing from you.**

Sincerely,

Jessica Sanchez

Jessica Sanchez
Legal Assistant
Texas Department of Licensing and Regulation
(512) 539-5625
Jessica.Sanchez@tdlr.texas.gov

#PTP20220006386/ Tracking #126915

From: Jessica Sanchez Jessica.Sanchez@tdlr.texas.govTo: Meridian Contracting mcallister@mcsitexas.com

Date: Fri, Mar 4, 2022, 2:52 PM

Dear Kent McAllister:

The Texas Department of Licensing and Regulation (the Department) has received the complaint you filed against Greg Cook with Austin CAD. In order for us to proceed further with our review of your complaint, we will need some additional information. Specifically, please provide me with copies of the documentation from Austin County Appraisal District showing the altered information mentioned in your complaint, a copy of your property card (if available), a copy of your deed mentioned in your complaint, copies of the recording of your protest hearing and any documentation from the hearing, and any other documentation in support of your complaint.

Please provide the requested information in response to this email no later than March 18, 2022, so that we may proceed with our evaluation of your complaint and determine whether an investigation is warranted. If we do not hear from you within the time frame listed above, then our department will not be able to pursue this matter and no further action will be taken on your complaint. **When you respond to this letter, please refer to the complaint number shown above**, and please direct your response to my attention. We look forward to hearing from you.

Sincerely,

Jessica Sanchez*Senior Legal Assistant**Enforcement Division- Intake**Texas Department of Licensing & Regulation**512-539-5625*Jessica.Sanchez@tdlr.texas.gov

Complaint filed against Greg Cook with Austin CAD, complaint #PTP20220006386/ Tracking #126915

From: Jessica Sanchez Jessica.Sanchez@tdlr.texas.gov

To: Meridian Contracting mcallister@mcsitexas.com

Date: Fri, Mar 4, 2022, 2:52 PM

Dear Kent McAllister:

The Texas Department of Licensing and Regulation (the Department) has received the complaint you filed against Greg Cook with Austin CAD. In order for us to proceed further with our review of your complaint, we will need some additional information. Specifically, please provide me with copies of the documentation from Austin County Appraisal District showing the altered information mentioned in your complaint, a copy of your property card (if available), a copy of your deed mentioned in your complaint, copies of the recording of your protest hearing and any documentation from the hearing, and any other documentation in support of your complaint.

Please provide the requested information in response to this email no later than March 18, 2022, so that we may proceed with our evaluation of your complaint and determine whether an investigation is warranted. If we do not hear from you within the time frame listed above, then our department will not be able to pursue this matter and no further action will be taken on your complaint. **When you respond to this letter, please refer to the complaint number shown above**, and please direct your response to my attention. We look forward to hearing from you.

Sincerely,

Jessica Sanchez

Senior Legal Assistant

Enforcement Division- Intake

Texas Department of Licensing & Regulation

512-539-5625

Jessica.Sanchez@tdlr.texas.gov

Re: Complaint filed against Greg Cook with Austin CAD, complaint #PTP20220006386/ Tracking #126915

From: Meridian Contracting mcallister@mcositexas.com

To: Jessica Sanchez Jessica.Sanchez@tdlr.texas.gov

Cc: Cynthia Kelly cynthia.kelly@mcositexas.com

Date: Thu, Mar 17, 2022, 12:06 PM

1. Property Tax Account Information.pdf 2.1 MB
2. Property Photo, Survey, and Deed information.pdf 946 KB
3. Austin County Appraisal District PIA Request.pdf 8 MB
4. San Felipe PIA dated December 13, 2021.pdf 245 KB

Ms. Sanchez,

According to their website, the mission of the Austin County Appraisal District is to discover, list, and appraise all property within the boundaries of the district to estimate a fair and equitable market value for property taxation purposes.

Although my property has always been taxed as a single farm property, the Appraisal District suddenly decided to change the boundary description of my property several years ago without any notice. The Appraisal District separated my property into 6 different tax accounts after deciding that I didn't own old platted colonial street easements within my property. No other nearby properties were subjected to the same action and the changes resulted in less tax dollars to the tax district while encumbering my property unnecessarily. Why would the Appraisal District insist on doing this when it resulted in less tax revenue I wondered. Nothing required the Appraisal District to take this action. The Tax Code requires fair and equitable treatment, but one look at the Appraisal District map shows the obvious targeting of my property. I was very confused by the motives of the Appraisal District and wasn't sure how to correct the issue since the previous Chief Appraiser was insistent that the Town of San Felipe owned the platted streets. The Chief Appraiser position changed during this time, and I eventually met with the new Chief Appraiser Gregg Cook and explained the issue. I told him about researching the deed records and finding the additional quitclaim deed information. I asked for his help which he seemed happy to provide. The pandemic began after our meeting and the issue was shelved until we met again in 2021. I provided him the quitclaim deed information and thought the matter was settled. I was then notified that the Appraisal District wouldn't be changing its position on the issue after discussing it with their attorney.

In response, I requested information from the Appraisal District through the Public Information Act (PIA). The documents collected proved to me that the information used to support the Appraisal Districts sudden assertions appeared contrived. Appraisal District staff claimed the towns City Secretary had confirmed non-ownership of the platted colonial streets in my property survey, but they were unable to produce any evidence upon request. A PIA request was also provided to the City Secretary to confirm the districts claim. The City Secretary responded by providing a copy of my property survey without any statement or explanation. I haven't provided the town a copy of my

survey and the town doesn't maintain individual property records, so it seems odd that the Town ended up with a copy of my survey.

Documentation obtained through PIA requests showed that Appraisal District staff ignored the relevant quitclaim deed records when discussing the matter with BIS Consultants and the Appraisal Districts attorney. The attorney initially stated that the property metes and bounds along with the survey notes seemed to include the conveyed colonial streets, but felt my deed wasn't clear and so he agreed with the district staff that the colonial streets didn't belong to me. I informed the attorney through the Appraisal District that the 1957 quitclaim resolution document from the Town Council to a previous property owner was being ignored. The attorney seemed to be unaware of the quitclaim deed, so I sent a copy of it. The Chief Appraiser was copied on all email communications. The attorney then said the quitclaim resolution conveyance language didn't clearly "include" the colonial streets. Texas law says the exact opposite. The Texas Supreme Court has ruled that when property is conveyed from a grantor to a grantee, anything not expressly "excluded" by clear language from the conveyed property is included. A municipality conveying its own property is held to the same standard as anyone else. The attorney would know this. The property was under agricultural production and had been fenced as a single combined property prior to and at the time of the quitclaim resolution conveyance by the Town of San Felipe City Council in 1957. There would have been no need to maintain old platted and abandoned streets.

Additionally, historical records clearly demonstrate that the original pre-Republic colonial plat of the area had been abandoned when the town was burned to the ground in 1836. There were subsequent abandonments of newer town areas documented in cited research papers and other documents. As an example, the town donated 100 acres of land to the Texas Western Railroad for a depot with surrounding town area to encourage development. The railroad went bankrupt and the new town area with platted streets under private ownership was abandoned yet again.

While researching to defend against the persistent overreach by the Appraisal District, I discovered additional documents that show the Town had already "divested" itself of the roads in the town. This was additional evidence provided to the Chief Appraiser that the Appraisal Districts argument is without merit. Apparently, the Appraisal District made these decisions without researching the deed records. The Town Council divested its interest in all roads, streets, alleys, and bridges for the sum of \$1.00 to Austin County in 1940. This happened 17 years before the Town Council had provided a quitclaim deed to settle any dispute of ownership related to my property. Other related documents prove that the County took possession and responsibility for all roads, streets, alleys, and bridges within the Town of San Felipe city limits at that time. The documents state that only existing roads were maintained from that time moving forward due to the cost of maintenance which the town couldn't afford. Additionally, Section 251.057 of the Texas Transportation Code states: a county road is abandoned when it's use has become so infrequent that one or more adjoining property owners have enclosed the road with a fence continuously for at least 20 years. My property has been enclosed for more than 80 years. Furthermore, there are no Town or County maps after 1836 that show the old, abandoned streets within my property. The Chief Appraiser acknowledged that the documents provided to him prove that it is not possible for the Town or the County to own the old platted streets. He has still chosen not to correct the record. Why?

I believe certain Appraisal District staff targeted my property while ignoring my surrounding neighbors including an Appraisal Review Board (ARB) member with the same abandoned platted streets. I have served on the town City Council and the City Secretary has openly campaigned against me. It is no secret that the City Secretary uses her position to create issues for those she doesn't like. I find it disturbing that the Chief Appraiser would continue to ignore the facts and not correct the record. This is completely out of line with the purpose of the appraisal system and its intent. I filed a complaint with the Texas Department of licensing and regulation (TDLR) due to the Chief Appraiser not correcting the issue when provided the supporting information. I would point out the current Chief Appraiser Mr. Cook hired the previous Chief Appraiser Carmen Ottmer who initiated the original action. She currently works with the Appraisal District under the Chief Appraiser. I believe he has a legal and ethical obligation to simply assess and collect property tax. I clearly own the property within my fence line and the assertion that the Appraisal Districts actions and efforts have been with the intent of lowering my tax obligation is laughable. Ms. Deanne Gonzalez with BIS Consultants stated in her email to Susan Rosinski Tuesday August 6, 2019, "however, if you want us to merge them together, we can. This might make the district more money since you'd be taxing more acreage." This is evidence that the districts efforts were even being questioned internally.

I know this is a lot of information to review. I appreciate your consideration in this matter and have attached the related documents. If you have any questions or require additional information, please let me know.

Thank you,

Kent McAllister

Attachments:

1. Property Tax Account Information
2. Property Photo, Survey, and Deed Information
3. Austin County Appraisal District PIA Request

Please provide the documentation Susan Rosinski used to determine that the taxpayer does not own the streets. (Quitclaim deed is included in documents)

Also, please provide the documentation provided by the Town of San Felipe to Susan Rosinski verifying the taxpayer does not own the streets.
(No such document exists)

Please provide a copy or notes, memos or any other communication sent to the attorneys and a copy of the ruling provided by the attorneys. (Quitclaim deed document is missing from transmitted documents)

Please provide a copy of any correspondence to the taxpayer requesting clarification of

4. San Felipe PIA dated December 13, 2021

From: Meridian Contracting <mcallister@mcsitexas.com>
Sent: Tuesday, March 8, 2022 6:54 AM
To: Jessica Sanchez <Jessica.Sanchez@tdlr.texas.gov>
Subject: Re: Complaint filed against Greg Cook with Austin CAD, complaint #PTP20220006386/
Tracking #126915

Jessica,

Thanks for the response. I will put together the information you requested and send it to you once I have it all together. Let me know if you need anything else.

Thank you,

Kent McAllister
281-961-0334

From: Jessica Sanchez <Jessica.Sanchez@tdlr.texas.gov>
Sent: Friday, March 4, 2022 2:52 PM
To: Meridian Contracting
Subject: Complaint filed against Greg Cook with Austin CAD, complaint #PTP20220006386/ Tracking #126915

Dear Kent McAllister:

The Texas Department of Licensing and Regulation (the Department) has received the complaint you filed against Greg Cook with Austin CAD. In order for us to proceed further with our review of your complaint, we will need some additional information. Specifically, please provide me with copies of the documentation from Austin County Appraisal District showing the altered information mentioned in your complaint, a copy of your property card (if available), a copy of your deed mentioned in your complaint, copies of the recording of your protest

hearing and any documentation from the hearing, and any other documentation in support of your complaint. Exhibit 2, pg. 115 of 159

Please provide the requested information in response to this email no later than March 18, 2022, so that we may proceed with our evaluation of your complaint and determine whether an investigation is warranted. If we do not hear from you within the time frame listed above, then our department will not be able to pursue this matter and no further action will be taken on your complaint. **When you respond to this letter, please refer to the complaint number shown above**, and please direct your response to my attention. We look forward to hearing from you.

Sincerely,

Jessica Sanchez

Senior Legal Assistant

Enforcement Division- Intake

Texas Department of Licensing & Regulation

512-539-5625

Jessica.Sanchez@tdlr.texas.gov

Complaint filed against Gregory A. Cook with Austin CAD, case #PTP20220006386/ Tracking #126915

From: Jessica Sanchez Jessica.Sanchez@tdlr.texas.gov

To: Meridian Contracting mcallister@mcsitexas.com

Date: Fri, Mar 18, 2022, 3:08 PM

Complainant Opening Letter.pdf 289 KB

Dear Kent McAllister,

Please see the attached Complainant Opening Letter regarding the complaint filed against Gregory A. Cook with Austin CAD, case #PTP20220006386.

Sincerely,

Jessica Sanchez

Senior Legal Assistant

Enforcement Division- Intake

Texas Department of Licensing & Regulation

512-539-5625

Jessica.Sanchez@tdlr.texas.gov



TEXAS DEPARTMENT OF LICENSING & REGULATION

Enforcement Division • PO Box 12157 • Austin, Texas 78711 • (512) 539-5600 • Fax (512) 539-5698

www.tdlr.texas.gov

March 18, 2022

KENT MCALLISTER
mcallister@mcsitexas.com

Re: Complaint filed against Gregory A. Cook with Austin CAD, Case #PTP20220006386/
Tracking #s: 126915, 127068, 127353, 127760, 127852, & 128138

Dear Kent McAllister:

The Texas Department of Licensing and Regulation (the Department) has received the complaint filed against Gregory A. Cook with Austin CAD. The complaint has been opened for investigation under case number PTP20220006386. The case is assigned to Investigator Armand Ramirez, who will be contacting you for information regarding the complaint.

You may contact Investigator Ramirez by email at Armand.Ramirez@tdlr.texas.gov, by phone (512) 539-5638, or by mail at: TDLR-Enforcement Division, P.O. Box 12157, Austin, TX 78711. Please provide the case number on all correspondence.

A brief description of the Department's complaint policies and procedures can be found on our website at <http://www.tdlr.texas.gov/investigation.htm>. If you cannot access this information or you would like a copy mailed to you, please call the Enforcement Division at 512-539-5600.

Sincerely,

Jessica Sanchez

Jessica Sanchez
Intake Legal Assistant
Enforcement Division



Christopher S. Jackson
Partner

3301 Northland Drive, Suite 505
Austin, Texas 78731

p: 512-610-0730

f: 512-323-6963

w: www.pbtcml.com

April 22, 2022

VIA EMAIL: armand.ramirez@tdlr.texas.gov

Mr. Armand Ramirez
Senior Investigator, Enforcement Division
Texas Department of Licensing and Regulation
P.O. Box 12157
Austin, TX 78711-2157

Re: Complaint PTP20220006386 filed by Mr. Kent McAllister against Mr. Gregory A. Cook, Chief Appraiser with the Austin County Appraisal District.

Dear Mr. Ramirez:

Your agency has initiated an investigation against Mr. Gregory A. Cook, who is the Chief Appraiser for the Austin County Appraisal District (hereinafter the "District"). *See* Ex. 1. Our law firm has been retained to assist Mr. Cook and the District regarding this matter. *See* Ex. 2. Your deadline to respond is Monday, April 25, 2022. *See* Ex. 3. Per your instructions, please accept this written response to the above referenced complaint, before the deadline, on behalf of our client.

Mr. Kent McAllister filed the above referenced complaint on approximately January 11, 2022. *See* Ex. 4. In general, Mr. McAllister complains about his ownership of land and the District's listing of it.

Mr. Cook has not committed any TDLR violations involving the allegations in this complaint. He is in full compliance with the requisite laws, rules, appraisal and operational standards, and ethics of the Texas property tax system and TDLR.

Timeline and Events

It is my understanding that in 2021 Mr. McAllister made complaints about the status of his property and made open records requests. On December 7, 2021, the District asked our law firm to review a letter and a deed relating to Mr. McAllister's properties in San Felipe, Texas. Specifically, we were asked if the deed he received from the Brenner Family Partnership included the platted but unopened streets that surrounded some of the lots that Mr. McAllister owned (the Lots). "Unopened" streets are those that appear on a plat but that have not been constructed.

My law partner, Dylan Wood, reviewed this matter for the District. Mr. McAllister's deed was provided to Mr. Wood. That deed described the property as "9.206 acres of land (being 12.666 acres less 3.46 acres in road) out of the Old Town of San Felipe..." A survey accompanied the

deed that again referenced a “12.666 total acre tract, less 3.46 acre in road and leaving NET ACREAGE of 9.209 acres...” See Ex. 5. Mr. Wood also noted that the deed also makes the conveyances “subject to” a survey plat of May 26, 2005 that references street names. Mr. Wood also noted that conveyances that are “subject to” something denotes a restriction on conveyance not an additional grant. In Mr. Wood’s opinion, the Brenner deed did not convey the streets to Mr. McAllister.

Mr. McAllister later provided additional deeds that referenced the Lots that covered the same land under the Brenner deed. See Ex. 6. One of the deeds explained that a recorded conveyance from the Town of San Felipe to a predecessor in interest was not found in the deed records of the county, but that the Town Alderman had determined that it had in fact conveyed the Lots and passed a resolution to execute a quitclaim deed for the Lots to a predecessor in interest.

Mr. Wood reviewed these deeds in Ex. 6, particularly the bottom page 7 and page 8 of the pdf version. See Ex. 7. Mr. Wood believed these deeds clearly disclaimed any interest in the lots, but no reference was made to the streets. There were no metes and bounds descriptions in either deed that would indicate the City of San Felipe was disclaiming any interest in the platted streets or that the conveyance was for anything besides the platted lots. The only reference made was to the Lots themselves.

Further, there is an Owner’s Title Policy that appears to exclude streets and lists the land in the policy as “9.209 acres (12.666 acres less 3.46 ACRES IN ROAD”. See Ex. 8. Mr. Wood advised the District and Mr. Cook that the deeds that identified the Lots did not appear to include the streets. It is our understanding that Mr. Wood’s opinion was shared with Mr. McAllister, which led to his complaint to TDLR against Mr. Cook.

Response

Under Texas law, once dedicated, a plat that includes land for streets becomes irrevocable. *Copeland v. City of Dallas*, 454 S.W.2d 279, 284 (Tex. Civ. App.—Dallas 1970 writ ref’d n.r.e)(citations omitted). It does not matter that the streets are not immediately opened. *Id* at 285. In Mr. McAllister’s matter, it appears that the streets were dedicated to the Town of San Felipe by the Mexican government when this area of Texas was a colony and prior to the formation of the Republic of Texas. While the streets may never have been opened and people over the years have used the unopened streets as if it was their own land, including the construction of improvements, adverse possession does not against a city. Tex. Civ. Prac. & Rem. Code Ann. § 16.061.

The deeds that Mr. McAllister referenced do not show that the streets were “vacated,” they merely identify the Lots, and the District has identified the Lots in the legal descriptions of Mr. McAllister’s property cards. See Ex. 9.

There is a legal process in place for Home Rule of General Law cities to close or vacate dedicated streets. Tex. Transp. Code Ann. § 311.007, 311.008. Until clear evidence exists that the streets have been vacated, the District must go by what is on the deeds. The deeds only mention lots.

The District is charged with appraising property for tax purposes. Tex. Tax Code Ann. § 23.01. The District does *not* determine title to land, which can only be made in a Trespass to Try Title action. Tex. Prop. Code Ann. 22.001. Mr. McAllister's claims that the District is "taking land" is incorrect.

Prior to 2018, the District assumed that Mr. McAllister owned land that had an effective acreage of 15.26, which included 3.46 acres of unopened streets. For the 2018 tax year, the District could not conclude that Mr. McAllister owned the unopened streets and thus reduced his effective acreage by 3.46 acres, which totaled 11.836 acres.

This action did not "take" any property away from Mr. McAllister. He still owns the land he originally obtained title to and the District cannot determine title. The only practical impact is that Mr. McAllister's tax bill was reduced because of the District's determination.

Mr. McAllister did file a protest on May 30, 2019, with the Austin County Appraisal Review Board for the 2019 tax year. *See* Ex. 10. It identified multiple grounds for protest including "Other: Property boundaries and use." The use of "Other" is allowed under Tax. Tax Code Ann. § 41.41(a)(9) to protest "any other action of the chief appraiser, appraisal district, or appraisal review board that applies to and adversely affects the property owner." Mr. McAllister protested the boundary issue to the appraisal review board, which issued orders denying the protest on September 24, 2019. Under state law, Mr. McAllister could have appealed the decision of the appraisal review board to district court within 60 days after receiving the notice of the order, but he failed to do so. Tex. Tax Code Ann. § 42.21(a). Mr. McAllister did not protest the "property boundaries" matter in either 2020 or 2021.

Mr. Cook denies Mr. McAllister's allegation in his complaint that he or his staff have denied Mr. McAllister due process, made false statements of fact, omitted relevant information to support claims, acted illegally, taken land, or violated the law and constitution. *See* Ex. 4.

This matter should be dismissed because it does not credibly allege a violation.

Ms. McAllister's complaint should be dismissed because the Texas Legislature amended Texas Occupations Code Section 1154.204 in 2013 to state: **DISMISSAL OF COMPLAINTS**

- (a) After investigation, the department **may dismiss a complaint**, in part or entirely, without conducting a hearing if the **complaint does not credibly allege a violation** of this chapter or the standards established by the commission for registrants under this chapter.
- (b) **After investigation, the department shall dismiss a complaint, in part or entirely, without conducting a hearing if:**
 - (1) **the complaint challenges:**
 - (A) the imposition of or failure to waive penalties or interest under Sections 33.01 and 33.011, Tax Code;
 - (B) the appraised value of a property;
 - (C) the appraisal methodology;

- (D) the grant or denial of an exemption from taxation; or
 - (E) **any matter for which Title 1, Tax Code, specifies a remedy, including an action that a property owner is entitled to protest before an appraisal review board under Section 41.41(a), Tax Code; and**
- (2) **the subject matter of the complaint has not been finally resolved in the complainant's favor by an appraisal review board, a governing body, an arbitrator, a court, or the State Office of Administrative Hearings under Section 2003.901, Government Code.**

Mr. McAllister's allegations in his complaint are not credible or valid. Further, they have been brought before the Austin County ARB and were not resolved in his favor. Therefore, this matter should be quickly dismissed.

Conclusion

Mr. Cook has acted in good faith regarding this matter. He sought and obtained the advice of legal counsel and he also acted within his authority regarding the effective acreage of Mr. McAllister's property in listing it in the District's records.

If it is ultimately determined someday in a court of law that Mr. McAllister indeed does own the unopened city streets, Mr. Cook would have "got it wrong," however, he has not acted outside of his authority. *See Williams v. Houston Firemen's Relief and Retirement Fund*, 121 S.W.3d 415, 430 (Tex. App. — Houston [1st Dist.] 2003, no pet.). Mr. Cook has followed the Texas Property Tax Laws and Rules regarding the allegations in this matter. Mr. McAllister's complaint as to Mr. Cook, or the District, its staff, and their actions is baseless and deserves to be dismissed quickly.

If we can be of any further assistance to you in this matter during your investigation, please do not hesitate to contact me.

Sincerely,

/S/ Christopher S. Jackson

Christopher S. Jackson
Attorney-At-Law

cc: Mr. Gregory A. Cook, Chief Appraiser, Austin County Appraisal District—Via Email
Mr. A. Dylan Wood, Partner, PBFCM — Via Email

Case: PTP2022-6386; Gregory Cook; ACAD; contact info

From: Armand Ramirez Armand.Ramirez@tdlr.texas.gov

To: Meridian Contracting mcallister@mcsitexas.com

Date: Wed, May 11, 2022, 8:11 AM

copy Chris Jackson statement.pdf 8.7 MB

Mr. McAllister,

I received a response from Greg Cook attorney Chris Jackson who provided a statement listing the events that took place with a protest along with other findings. Here is a copy to review and there is a part of the law that Mr. Jackson had listed that limits TDLR authority on page 3, Law, section 1154.204 (a) and (b). It appears during the protest procedures that Mr. Jackson indicates that you did not move forward to the next level after the ARB findings for 2019 and you did not file any other protest the property boundaries for 2020 or 2021.

As a reminder, the section of the law that was identify above does limit TDLR regulation over a licensed appraiser. Mr. Jackson contact information is listed in the letter to discuss more of the details with the outcome of the protest for the 2019 tax year or any other issues relating to your complaint against Mr. Cook.

Once I get a chance to sort out Mr. Jackson evidence and put the documents together for the prosecutor to show the key information that relates to TDLR jurisdiction will be transferred to our legal department. Depending on the amount of documents that was received and information to review, may be take a period of time.

The prosecutor will have access to everything in the file to review and may reach out to any party with this case. The prosecutor will decide the outcome and a letter will be mailed to each party that will have the prosecutor's legal assistance name along with their phone number to ask any questions.

Due to COVID 19, most of the TDLR staff is working remotely at a safe environment. At this time, I can be reach at this other remote phone number, 210-439-4525. However, email would be the best response of communication and the office number is checked from time to time.

Armand Ramirez

Sr. Investigator

TX Dept. of Licensing & Regulation

PO Box 12157, Austin, TX 78711

armand.ramirez@tdlr.texas.gov

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From: Meridian Contracting <mcallister@mcsitexas.com>

Sent: Wednesday, May 11, 2022 6:07 AM

To: Armand Ramirez <Armand.Ramirez@tdlr.texas.gov>

Subject: [External Email] Re: Case: PTP2022-6386; Gregory Cook; ACAD; contact info

CAUTION: This email originated from outside of the organization! Do not click links, open attachments or reply, unless you recognize the sender's email address and know the content is safe!

Mr. Ramirez,

I haven't received any updates from your office since April 18, 2022 and am uncertain of the status of my complaint. I was given specific deadlines to respond to your office so I would assume the response to the complaint would have similar time limits. Can you please let me know when I should expect to receive additional information and if any additional documentation is needed?

Also, I retrieved the deed records for my neighbor's property who is on the Appraisal Review Board. His deed has the same language as my deed when describing the street easements. I was unable to find any specific conveyance of the street easement from the town for his property which the Appraisal District told me would be required as proof of ownership.

The Appraisal District initially stated that the lack of conveyance from the town for my street easements was proof that I didn't own the street easements within my property. Although they ignored the fact that the town had already divested its ownership of any street easements in 1940, I was still able to provide a quitclaim deed for my property because a previous owner made the effort to resolve any questions about ownership by having the town council provide the quitclaim for my property.

Why is the Appraisal District ignoring the street easements within the neighboring ARB members property while continuing to insist that I don't own the easements within my property? Why is the Appraisal District targeting my property while ignoring everyone around me?

I believe this is clear evidence that the Appraisal District is continuing to engage in unfair and unequitable treatment under the direct supervision of the Chief Appraiser.

Let me know if you have any questions or require additional information.

Thank you,

Kent McAllister

From: Meridian Contracting <mcallister@mcsitexas.com>

Sent: Tuesday, April 26, 2022 1:05 PM

To: Armand Ramirez <Armand.Ramirez@tdlr.texas.gov>

Subject: Re: Case: PTP2022-6386; Gregory Cook; ACAD; contact info

Here is the correct attachment.

Kent McAllister

From: Meridian Contracting <mcallister@mcsitexas.com>

Sent: Tuesday, April 26, 2022 11:28 AM

Exhibit 2, pg. 125 of 159

To: Armand Ramirez <Armand.Ramirez@tdlr.texas.gov>

Subject: Re: Case: PTP2022-6386; Gregory Cook; ACAD; contact info

Mr. Ramirez,

I have attached a recent city council meeting agenda showing that one of my neighbors highlighted in purple on the map (13496) is requesting closure of the "paper streets" within their property. I wanted to provide an example of the unequal treatment I have been subjected to by the appraisal district. Although the property has the same "paper streets" within their property, the "paper streets" are not shown by the appraisal district. Additionally, account 18775 and 21106 are two additional examples of properties with the same "paper streets" running through their property which are not shown. Account 18775 is an Appraisal Review Board member.

I have attached a map of the colonial plat so you can see the "paper streets" platted in 1828 (divested by the city council in 1940) compared to the selective representation by the appraisal district. It is clear by the maps that my property is receiving unfair treatment. The "paper streets" exist in every direction leaving my property, but my property is the only one the appraisal district seems interested in "correcting". Hope this helps.

Any updates on the status of the appraisal district response?

Thanks,

Kent McAllister

From: Armand Ramirez <Armand.Ramirez@tdlr.texas.gov>

Sent: Monday, April 18, 2022 7:54 AM

To: Meridian Contracting <mcallister@mcsitexas.com>

Subject: Case: PTP2022-6386; Gregory Cook; ACAD; contact info

I am waiting for a response and the documents you provided appear to be the ARB findings, it's a bit different, but I will double check once I get a chance. I will contact you if I need any other information, again, thank you for the additional information.

From: Meridian Contracting <mcallister@mcsitexas.com>

Sent: Friday, April 15, 2022 3:10 PM

To: Armand Ramirez <Armand.Ramirez@tdlr.texas.gov>

Subject: [External Email] Re: Case: PTP2022-6386; Gregory Cook; ACAD; contact info

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Mr. Ramirez,

I just wanted to check the status of the complaint and see if anything is needed.

Thank you,

Kent McAllister

From: Meridian Contracting <mcallister@mcsitexas.com>

Sent: Tuesday, March 29, 2022 11:31 AM

To: Armand Ramirez <Armand.Ramirez@tdlr.texas.gov>

Subject: Re: Case: PTP2022-6386; Gregory Cook; ACAD; contact info

Mr. Ramirez,

In the paperwork I just sent you, Susan Rosinski was one of the people claiming I didn't own the platted streets at the ARB hearing. She worked under the Chief Appraiser Carmen Ottmer. Susan was the one who left out the quitclaim deed when sending the information to the attorney and the person who said she had verified through the city secretary that I didn't own the platted streets. That claim by Susan wasn't true according to the PIA requests.

Thanks,

Kent McAllister

From: Meridian Contracting <mcallister@mcsitexas.com>

Sent: Tuesday, March 29, 2022 11:14 AM

To: Armand Ramirez <Armand.Ramirez@tdlr.texas.gov>

Subject: Re: Case: PTP2022-6386; Gregory Cook; ACAD; contact info

Exhibit 2, pg. 127 of 159

Mr. Ramirez,

I found this in my documents. Not sure if it helps. I can't find anything that looks like what you sent. Sorry

Kent McAllister

From: Armand Ramirez <Armand.Ramirez@tdlr.texas.gov>

Sent: Tuesday, March 29, 2022 10:46 AM

To: Meridian Contracting <mcallister@mcsitexas.com>

Subject: Case: PTP2022-6386; Gregory Cook; ACAD; contact info

Mr. McAllister,

Thank you for the information, but that does not appear to be the official ARB documents that is usually is signed by the ARB board member. Here is an example.

From: Meridian Contracting <mcallister@mcsitexas.com>

Sent: Tuesday, March 29, 2022 10:32 AM

To: Armand Ramirez <Armand.Ramirez@tdlr.texas.gov>

Subject: [External Email] Re: Case: PTP2022-6386; Gregory Cook; ACAD; contact info

CAUTION: This email originated from outside of the organization! Do not click links, open attachments or reply, unless you recognize the sender's email address and know the content is safe!

Mr. Ramirez,

I have attached the 2019 ARB information I received from the Appraisal District, but the audio file they gave me on a thumb drive is too large to send via email.

Thank you,

Kent McAllister

From: Meridian Contracting <mcallister@mcsitexas.com>
Sent: Wednesday, March 23, 2022 3:12 PM
To: Armand Ramirez <Armand.Ramirez@tdlr.texas.gov>
Subject: Re: Case: PTP2022-6386; Gregory Cook; ACAD; contact info

Mr. Ramirez,

I found your message. It had been deleted with a couple of others. Not sure how that happened but I did hear your message.

Thanks,

Kent McAllister

From: Meridian Contracting <mcallister@mcsitexas.com>
Sent: Wednesday, March 23, 2022 3:05 PM
To: Armand Ramirez <Armand.Ramirez@tdlr.texas.gov>
Subject: Re: Case: PTP2022-6386; Gregory Cook; ACAD; contact info

Mr. Ramirez,

Sorry I missed your call. I don't know what happened, but I didn't get your message so I missed any information you provided. I will send you the ARB information I received from the Appraisal District as requested in your email. Please let me know what else you asked for in the message and I will get it, or anything else you might need.

Thank you,

Kent McAllister

From: Armand Ramirez <Armand.Ramirez@tdlr.texas.gov>
Sent: Wednesday, March 23, 2022 2:26 PM
To: Meridian Contracting <mcallister@mcsitexas.com>

Subject: Case: PTP2022-6386; Gregory Cook; ACAD; contact info

Exhibit 2, pg. 129 of 159

Mr. Kent McAllister,

I left a message earlier today by calling the phone number 281-961-0334 after receiving your complaint that was filed against Gregory Cook with the Austin County Appraisal District (ACAD). My contact information is listed below. As a reminder, TDLR could be limited under the law, section 1151.204 and the rule, section 94.100. Again, as stated over the phone, once I get a response from ACAD, I will know more about their position and what other information I may need, if any.

Please provide a copy of the ARB hearing documentation as requested by phone on or before March 30, 2022 due date.

Due to COVID 19, most of the TDLR staff is working remotely at a safe environment. At this time, I can be reached at this other remote phone number, 210-439-4525. However, email would be the best response of communication and the office number is checked from time to time.

Armand Ramirez
Sr. Investigator
TX Dept. of Licensing & Regulation
PO Box 12157, Austin, TX 78711
armand.ramirez@tdlr.texas.gov

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Texas Department of Licensing and Regulation

Enforcement Division

P. O. Box 12157 • Austin, Texas 78711 • (512) 539-5600 • (800) 803-9202 • fax (512) 539-5698

Website: www.license.state.tx.us

September 14, 2022

KENT MCALLISTER
PO BOX 418
SAN FELIPE TX 77473-0418

Re: Quarterly update on case number: **PTP20220006386**

Dear Kent Mcallister:

This letter is to inform you of the status of case number PTP20220006386.

STATUS: This case is open and under review by investigator Armand Ramirez.

You will continue to be notified quarterly of the status of this case until it is resolved.
Please contact us if you have any questions or concerns.

Sincerely,

Armand Ramirez
Investigator



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Enforcement Division

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Website: www.license.state.tx.us

March 9, 2023

KENT MCALLISTER
PO BOX 418
SAN FELIPE TX 77473-0418

Re: Quarterly update on case number: **PTP20220006386**

Dear Kent Mcallister:

This letter is to inform you of the status of case number PTP20220006386.

STATUS: This case is open and under review by prosecutor Rebecca Burkhalter.

You will continue to be notified quarterly of the status of this case until it is resolved.
Please contact us if you have any questions or concerns.

Sincerely,

Rebecca Burkhalter
Prosecutor

From: Meridian Contracting mcallister@mcsitexas.com

To: Andra Morris Ellis andra@reagan.com

Date: Fri, Apr 7, 2023, 1:07 PM

From: Armand Ramirez <Armand.Ramirez@tdlr.texas.gov>

Sent: Thursday, February 23, 2023 8:56 AM

To: Meridian Contracting <mcallister@mcsitexas.com>

Subject: Case: PTP2022-6386; Gregory Cook; ACAD; contact info

Prosecutor's legal assistant, Daniel Pierre, 5112-539-5681 and daniel.pierre@tdlr.texas.gov

From: Meridian Contracting <mcallister@mcsitexas.com>

Sent: Thursday, February 23, 2023 7:10 AM

To: Armand Ramirez <Armand.Ramirez@tdlr.texas.gov>

Subject: [External Email] Re: Case: PTP2022-6386; Gregory Cook; ACAD; contact info

CAUTION: This email originated from outside of the organization! Do not click links, open attachments or reply, unless you recognize the sender's email address and know the content is safe!

Can you provide me with the legal assistants contact information so I can request an update?

Thank you,

Kent McAllister

From: Armand Ramirez <Armand.Ramirez@tdlr.texas.gov>

Sent: Thursday, February 23, 2023 7:05 AM

To: Meridian Contracting <mcallister@mcsitexas.com>

Subject: Case: PTP2022-6386; Gregory Cook; ACAD; contact info

This case has been transferred to our legal department that will be reviewed a prosecutor who will decide the outcome of this case. A letter will be mailed and the prosecutor's legal assistant name, phone number and email will be provided for any questions.

From: Meridian Contracting <mcallister@mcsitexas.com>

Sent: Wednesday, February 22, 2023 5:38 PM

To: Armand Ramirez <Armand.Ramirez@tdlr.texas.gov>

Subject: [External Email] Re: Case: PTP2022-6386; Gregory Cook; ACAD; contact info

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Armand,

Can you please provide an update on my complaint? I haven't been contacted in approximately 6 months and am unaware of my complaints current status.

Thank you,

Kent McAllister
281-961-0334

From: Armand Ramirez <Armand.Ramirez@tdlr.texas.gov>

Sent: Friday, July 8, 2022 7:08 AM

To: Meridian Contracting <mcallister@mcsitexas.com>

Subject: Case: PTP2022-6386; Gregory Cook; ACAD; contact info

Mr. McAllister,

I received your response and the information for this case, thank you. If I need any additional information, I will contact you.

From: Meridian Contracting <mcallister@mcsitexas.com>

Sent: Thursday, May 19, 2022 12:17 PM

To: Armand Ramirez <Armand.Ramirez@tdlr.texas.gov>

Subject: [External Email] Re: Case: PTP2022-6386; Gregory Cook; ACAD; contact info
Exhibit 2, pg. 135 of 159

CAUTION: This email originated from outside of the organization! Do not click links, open attachments or reply, unless you recognize the sender's email address and know the content is safe!

Here are the documents.

Thanks,

Kent McAllister

From: Meridian Contracting <mcallister@mcsitexas.com>
Sent: Thursday, May 19, 2022 11:03 AM
To: Armand Ramirez <Armand.Ramirez@tdlr.texas.gov>
Subject: Re: Case: PTP2022-6386; Gregory Cook; ACAD; contact info

Mr. Ramirez,

Thank you for your assistance with resolution of my complaint. I have two additional factual updates and I want to reiterate the key components of my complaint, re: the inequitable actions (and lack of action to stop), from the Chief Appraiser (and his staff members), which has continued since 2017 against me only in San Felipe, Texas.

I have obtained additional research from the Austin County deed records for two nearby properties which also contain old, abandoned and enfenced roads, roads which were initially established in the five leagues of land gifted to Stephen F. Austin in 1824. These two properties are:

1. The Franklin property (Account #18775, ACAD), which enfenced all of Baron de Bastrop just north and west of the lots conveyed originally by the San Felipe de Austin Corporation in 1942 to Charles and Myrtle Kunze. In the attached deed, Volume 136, pages 356-57, the corporation only conveyed the six lots, but does describe and include appurtenances (which per Strips and Gore law pertains to attached roads, specifically, to the middle of the road); and,
2. The Hill property (Account #21106, ACAD), has enfenced Baron de Bastrop Street between [4th Street](#) and [5th Street](#), but was not conveyed to The Hills by San Felipe de Austin Corporation in 1958 (see attached deed, Volume 238, pages 254-56). Again, only the lots and appurtenances are conveyed. I have obtained chain of title research for the Franklin and Hill properties.

There is not a separate conveyance for the roads which they have enfenced filed with Austin County. Exhibit 2, pg. 136 of 159

The key distinctions which support my position that I am being singled out and inequitably treated by the chief appraiser and his staff, are easily seen with these two property accounts.

Neither property is broken-up into multiple accounts or taxed as if they do not possess ownership of the original lots conveyed and the old, abandoned and enfenced roads;

Neither property owner has been told by the appraisal district staff that they “will be allowed” to utilize agriculture exemption for the full property acreage, but may not convey this exemption to a future owner;

Neither property owner has experienced appraisal staff acting extra-judiciously in stating what property is proscribed in their conveyance deeds, or chain of title of deeds for all of the land owned going back to the initial sale from the Corporation of San Felipe de Austin;

Neither property owner has been told their property metes and bounds do not matter in determination of property boundaries;

Neither property owner experienced the appraisal staff contacting only the city secretary of San Felipe in their assessment of property ownership;

Neither property owner was left out of the review of property deeds prior to any action of being told what they do, or don't own; and,

Neither property owner was told an inaccurate statement in the Appraisal Review Board meeting that complete research was performed prior to the actions taken against me and that I did not own the old, abandoned roads. Please imagine what it was like to be told the county authorities have performed complete research and determined I do not own my land.

I have now performed complete chain of title research with the county deed records and am certain the appraisal staff did not. I have performed extensive research in municipal, county and state transportation codes to know my rights as a property owner and property owner taxpayer. I have requested and received two separate sets of Public Information Act documentation regarding my ACAD account and the communications between staff members.

At no time did Mr. Cook state in our November 2020 meeting that I would, or could, lose my ability to take a stand against this inequitable treatment if I followed his recommendation that no additional ARB review meeting was required because my property would be returned to pre-2017 status once my quit claim deed was provided. I canceled the hearing based on our agreement. I did provide the quit claim deed from the San Felipe de Austin Corporation as requested. The staff attorney later stated he didn't believe the quitclaim included the appurtenances (strips and gores). The Texas Supreme Court has rules that property conveyed includes the easements unless expressly excluded in clear language. I have since provided additional documentation proving that the town divested itself of the same roads in 1940. This is further evidence the town had no interest in the abandoned road easements. The attorney failed to mention this in his response.

Greg Cook said he would make sure the board knew my goal was to return all of my property to one account and one tax rate which would be achieved once I submitted the quitclaim deed and that I needed to file the request to join all property accounts two months later in January 2021 for the 2021 tax year.

The person who performed the chain of title research at the Austin County deeds office attended this meeting with me. She is certain I was not cautioned that I would lose future ability to stop the inequitable treatment if I did not attend the last scheduled ARB appeal, which is why we all agreed to cancel it. If you need to contact her, please email Andra Ellis at Andra@Reagan.com.

My key goals are to stop the harassment and inequitable treatment against me and my property by the Chief Appraiser and his staff, to have my property returned to one account and taxed appropriately (pre-2017 changes), and for no other taxpayer in this county to receive the inequitable treatment I have been subjected to. I have a right to fair and equitable treatment by the appraisal district staff per state tax law.

Please let me know if you need additional documentation or have any questions.

Thank you,

Kent McAllister
281-951-0334

From: Armand Ramirez <Armand.Ramirez@tdlr.texas.gov>
Sent: Wednesday, May 11, 2022 8:11 AM
To: Meridian Contracting <mcallister@mcsitexas.com>
Subject: Case: PTP2022-6386; Gregory Cook; ACAD; contact info

Mr. McAllister,

I received a response from Greg Cook attorney Chris Jackson who provided a statement listing the events that took place with a protest along with other findings. Here is a copy to review and there is a part of the law that Mr. Jackson had listed that limits TDLR authority on page 3, Law, section 1154.204 (a) and (b). It appears during the protest procedures that Mr. Jackson indicates that you did not move forward to the next level after the ARB findings for 2019 and you did not file any other protest the property boundaries for 2020 or 2021.

As a reminder, the section of the law that was identify above does limit TDLR regulation over a licensed appraiser. Mr. Jackson contact information is listed in the letter to discuss more of the details with the outcome of the protest for the 2019 tax year or any other issues relating to your complaint against Mr. Cook.

Once I get a chance to sort out Mr. Jackson evidence and put the documents together for the prosecutor to show the key information that relates to TDLR jurisdiction will be transferred to our legal department. Depending on the amount of documents that was received and information to review, may be take a period of time.

The prosecutor will have access to everything in the file to review and may reach out to any party with this case. The prosecutor will decide the outcome and a letter will be mailed to each party that will have the prosecutor's legal assistance name along with their phone number to ask any questions.

Due to COVID 19, most of the TDLR staff is working remotely at a safe environment. At this time, I can be reach at this other remote phone number, 210-439-4525. However, email would be the best response of communication and the office number is checked from time to time.

Armand Ramirez

Sr. Investigator

TX Dept. of Licensing & Regulation

PO Box 12157, Austin, TX 78711

armand.ramirez@tdlr.texas.gov

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From: Meridian Contracting <mcallister@mcsitexas.com>

Sent: Wednesday, May 11, 2022 6:07 AM

To: Armand Ramirez <Armand.Ramirez@tdlr.texas.gov>

Subject: [External Email] Re: Case: PTP2022-6386; Gregory Cook; ACAD; contact info

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Mr. Ramirez,

I haven't received any updates from your office since April 18, 2022 and am uncertain of the status of my complaint. I was given specific deadlines to respond to your office so I would assume the response to the complaint would have similar time limits. Can you please let me know when I should expect to receive additional information and if any additional documentation is needed?

Also, I retrieved the deed records for my neighbor's property who is on the Appraisal Review Board. His deed has the same language as my deed when describing the street easements. I was unable to find any specific conveyance of the street easement from the town for his property which the Appraisal District told me would be required as proof of ownership.

The Appraisal District initially stated that the lack of conveyance from the town for my street easements was proof that I didn't own the street easements within my property. Although they ignored the fact that the town had already divested its ownership of any street easements in 1940, I was still able to provide a quitclaim deed for my property because a previous owner made the effort to resolve any questions about ownership by having the town council provide the quitclaim for my property.

Why is the Appraisal District ignoring the street easements within the neighboring ARB members property while continuing to insist that I don't own the easements within my property? Why is the Appraisal District

targeting my property while ignoring everyone around me?

Exhibit 2, pg. 140 of 159

I believe this is clear evidence that the Appraisal District is continuing to engage in unfair and unequitable treatment under the direct supervision of the Chief Appraiser.

Let me know if you have any questions or require additional information.

Thank you,

Kent McAllister

From: Meridian Contracting <mcallister@mcsitexas.com>

Sent: Tuesday, April 26, 2022 1:05 PM

To: Armand Ramirez <Armand.Ramirez@tdlr.texas.gov>

Subject: Re: Case: PTP2022-6386; Gregory Cook; ACAD; contact info

Here is the correct attachment.

Kent McAllister

From: Meridian Contracting <mcallister@mcsitexas.com>

Sent: Tuesday, April 26, 2022 11:28 AM

To: Armand Ramirez <Armand.Ramirez@tdlr.texas.gov>

Subject: Re: Case: PTP2022-6386; Gregory Cook; ACAD; contact info

Mr. Ramirez,

I have attached a recent city council meeting agenda showing that one of my neighbors highlighted in purple on the map (13496) is requesting closure of the "paper streets" within their property. I wanted to provide an example of the unequal treatment I have been subjected to by the appraisal district. Although the property has the same "paper streets" within their property, the "paper streets" are not shown by the appraisal district. Additionally, account 18775 and 21106 are two additional examples of properties with the same "paper streets" running through their property which are not shown. Account 18775 is an Appraisal Review Board member.

I have attached a map of the colonial plat so you can see the "paper streets" platted in 1828 (divested by the city council in 1940) compared to the selective representation by the appraisal district. It is clear by the maps that my property is receiving unfair treatment. The "paper streets" exist in every direction leaving my property, but my property is the only one the appraisal district seems interested in "correcting". Hope this helps.

Any updates on the status of the appraisal district response?

Thanks,

Kent McAllister

From: Armand Ramirez <Armand.Ramirez@tdlr.texas.gov>

Sent: Monday, April 18, 2022 7:54 AM

To: Meridian Contracting <mcallister@mcsitexas.com>

Subject: Case: PTP2022-6386; Gregory Cook; ACAD; contact info

I am waiting for a response and the documents you provided appear to be the ARB findings, it's a bit different, but I will double check once I get a chance. I will contact you if I need any other information, again, thank you for the additional information.

From: Meridian Contracting <mcallister@mcsitexas.com>

Sent: Friday, April 15, 2022 3:10 PM

To: Armand Ramirez <Armand.Ramirez@tdlr.texas.gov>

Subject: [External Email] Re: Case: PTP2022-6386; Gregory Cook; ACAD; contact info

CAUTION: This email originated from outside of the organization! Do not click links, open attachments or reply, unless you recognize the sender's email address and know the content is safe!

Mr. Ramirez,

I just wanted to check the status of the complaint and see if anything is needed.

Thank you,

From: Meridian Contracting <mcallister@mcsitexas.com>
Sent: Tuesday, March 29, 2022 11:31 AM
To: Armand Ramirez <Armand.Ramirez@tdlr.texas.gov>
Subject: Re: Case: PTP2022-6386; Gregory Cook; ACAD; contact info

Mr. Ramirez,

In the paperwork I just sent you, Susan Rosinski was one of the people claiming I didn't own the platted streets at the ARB hearing. She worked under the Chief Appraiser Carmen Ottmer. Susan was the one who left out the quitclaim deed when sending the information to the attorney and the person who said she had verified through the city secretary that I didn't own the platted streets. That claim by Susan wasn't true according to the PIA requests.

Thanks,

Kent McAllister

From: Meridian Contracting <mcallister@mcsitexas.com>
Sent: Tuesday, March 29, 2022 11:14 AM
To: Armand Ramirez <Armand.Ramirez@tdlr.texas.gov>
Subject: Re: Case: PTP2022-6386; Gregory Cook; ACAD; contact info

Mr. Ramirez,

I found this in my documents. Not sure if it helps. I can't find anything that looks like what you sent. Sorry

Kent McAllister

From: Armand Ramirez <Armand.Ramirez@tdlr.texas.gov>
Sent: Tuesday, March 29, 2022 10:46 AM
To: Meridian Contracting <mcallister@mcsitexas.com>

Subject: Case: PTP2022-6386; Gregory Cook; ACAD; contact info

Exhibit 2, pg. 143 of 159

Mr. McAllister,

Thank you for the information, but that does not appear to be the official ARB documents that is usually is signed by the ARB board member. Here is an example.

From: Meridian Contracting <mcallister@mcsitexas.com>

Sent: Tuesday, March 29, 2022 10:32 AM

To: Armand Ramirez <Armand.Ramirez@tdlr.texas.gov>

Subject: [External Email] Re: Case: PTP2022-6386; Gregory Cook; ACAD; contact info

CAUTION: This email originated from outside of the organization! Do not click links, open attachments or reply, unless you recognize the sender's email address and know the content is safe!

Mr. Ramirez,

I have attached the 2019 ARB information I received from the Appraisal District, but the audio file they gave me on a thumb drive is too large to send via email.

Thank you,

Kent McAllister

From: Meridian Contracting <mcallister@mcsitexas.com>

Sent: Wednesday, March 23, 2022 3:12 PM

To: Armand Ramirez <Armand.Ramirez@tdlr.texas.gov>

Subject: Re: Case: PTP2022-6386; Gregory Cook; ACAD; contact info

Mr. Ramirez,

I found your message. It had been deleted with a couple of others. Not sure how that happened but I did hear your message.

Thanks,

Kent McAllister

From: Meridian Contracting <mcallister@mcsitexas.com>
Sent: Wednesday, March 23, 2022 3:05 PM
To: Armand Ramirez <Armand.Ramirez@tdlr.texas.gov>
Subject: Re: Case: PTP2022-6386; Gregory Cook; ACAD; contact info

Mr. Ramirez,

Sorry I missed your call. I don't know what happened, but I didn't get your message so I missed any information you provided. I will send you the ARB information I received from the Appraisal District as requested in your email. Please let me know what else you asked for in the message and I will get it, or anything else you might need.

Thank you,

Kent McAllister

From: Armand Ramirez <Armand.Ramirez@tdlr.texas.gov>
Sent: Wednesday, March 23, 2022 2:26 PM
To: Meridian Contracting <mcallister@mcsitexas.com>
Subject: Case: PTP2022-6386; Gregory Cook; ACAD; contact info

Mr. Kent McAllister,

I left a message earlier today by calling the phone number 281-961-0334 after receiving your complaint that was filed against Gregory Cook with the Austin County Appraisal District (ACAD). My contact information is listed below. As a reminder, TDLR could be limited under the law, section 1151.204 and the rule, section 94.100. Again, as stated over the phone, once I get a response from ACAD, I will know more about their position and what other information I may need, if any.

Please provided a copy of the ARB hearing documentation as requested by phone on or before March 30, 2022 due date.

Due to COVID 19, most of the TDLR staff is working remotely at a safe environment. At this time, I can be reach at this other remote phone number, 210-439-4525. However, email would be the best response of communication and the office number is checked from time to time.

Armand Ramirez

Sr. Investigator

TX Dept. of Licensing & Regulation

PO Box 12157, Austin, TX 78711

armand.ramirez@tdlr.texas.gov

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Complaint filed against Greg Cook with Austin CAD, complaint #PTP20220006386/ Tracking #126915

From: Jessica Sanchez Jessica.Sanchez@tdlr.texas.gov

To: Meridian Contracting mcallister@mcsitexas.com

Date: Fri, Mar 4, 2022, 2:52 PM

Dear Kent McAllister:

The Texas Department of Licensing and Regulation (the Department) has received the complaint you filed against Greg Cook with Austin CAD. In order for us to proceed further with our review of your complaint, we will need some additional information. Specifically, please provide me with copies of the documentation from Austin County Appraisal District showing the altered information mentioned in your complaint, a copy of your property card (if available), a copy of your deed mentioned in your complaint, copies of the recording of your protest hearing and any documentation from the hearing, and any other documentation in support of your complaint.

Please provide the requested information in response to this email no later than March 18, 2022, so that we may proceed with our evaluation of your complaint and determine whether an investigation is warranted. If we do not hear from you within the time frame listed above, then our department will not be able to pursue this matter and no further action will be taken on your complaint. **When you respond to this letter, please refer to the complaint number shown above**, and please direct your response to my attention. We look forward to hearing from you.

Sincerely,

Jessica Sanchez

Senior Legal Assistant

Enforcement Division- Intake

Texas Department of Licensing & Regulation

512-539-5625

Jessica.Sanchez@tdlr.texas.gov

Re: Complaint filed against Greg Cook with Austin CAD, complaint #PTP20220006386/ Tracking #126915

From: Meridian Contracting mcallister@mcситexas.com

To: Jessica Sanchez Jessica.Sanchez@tdlr.texas.gov

CC: Cynthia Kelly cynthia.kelly@mcситexas.com

Date: Thu, Mar 17, 2022, 12:06 PM

1. Property Tax Account Information.pdf 2.1 MB
2. Property Photo, Survey, and Deed information.pdf 946 KB
3. Austin County Appraisal District PIA Request.pdf 8 MB
4. San Felipe PIA dated December 13, 2021.pdf 245 KB

Ms. Sanchez,

According to their website, the mission of the Austin County Appraisal District is to discover, list, and appraise all property within the boundaries of the district to estimate a fair and equitable market value for property taxation purposes.

Although my property has always been taxed as a single farm property, the Appraisal District suddenly decided to change the boundary description of my property several years ago without any notice. The Appraisal District separated my property into 6 different tax accounts after deciding that I didn't own old platted colonial street easements within my property. No other nearby properties were subjected to the same action and the changes resulted in less tax dollars to the tax district while encumbering my property unnecessarily. Why would the Appraisal District insist on doing this when it resulted in less tax revenue I wondered. Nothing required the Appraisal District to take this action. The Tax Code requires fair and equitable treatment, but one look at the Appraisal District map shows the obvious targeting of my property. I was very confused by the motives of the Appraisal District and wasn't sure how to correct the issue since the previous Chief Appraiser was insistent that the Town of San Felipe owned the platted streets. The Chief Appraiser position changed during this time, and I eventually met with the new Chief Appraiser Gregg Cook and explained the issue. I told him about researching the deed records and finding the additional quitclaim deed information. I asked for his help which he seemed happy to provide. The pandemic began after our meeting and the issue was shelved until we met again in 2021. I provided him the quitclaim deed information and thought the matter was settled. I was then notified that the Appraisal District wouldn't be changing its position on the issue after discussing it with their attorney.

In response, I requested information from the Appraisal District through the Public Information Act (PIA). The documents collected proved to me that the information used to support the Appraisal Districts sudden assertions appeared contrived. Appraisal District staff claimed the towns City Secretary had confirmed non-ownership of the platted colonial streets in my property survey, but they were unable to produce any evidence upon request. A PIA request was also provided to the City Secretary to confirm the districts claim. The City Secretary responded by providing a copy of my property survey without any statement or explanation. I haven't provided the town a copy of my

survey and the town doesn't maintain individual property records, so it seems odd that the Town ended up with a copy of my survey.

Documentation obtained through PIA requests showed that Appraisal District staff ignored the relevant quitclaim deed records when discussing the matter with BIS Consultants and the Appraisal Districts attorney. The attorney initially stated that the property metes and bounds along with the survey notes seemed to include the conveyed colonial streets, but felt my deed wasn't clear and so he agreed with the district staff that the colonial streets didn't belong to me. I informed the attorney through the Appraisal District that the 1957 quitclaim resolution document from the Town Council to a previous property owner was being ignored. The attorney seemed to be unaware of the quitclaim deed, so I sent a copy of it. The Chief Appraiser was copied on all email communications. The attorney then said the quitclaim resolution conveyance language didn't clearly "include" the colonial streets. Texas law says the exact opposite. The Texas Supreme Court has ruled that when property is conveyed from a grantor to a grantee, anything not expressly "excluded" by clear language from the conveyed property is included. A municipality conveying its own property is held to the same standard as anyone else. The attorney would know this. The property was under agricultural production and had been fenced as a single combined property prior to and at the time of the quitclaim resolution conveyance by the Town of San Felipe City Council in 1957. There would have been no need to maintain old platted and abandoned streets.

Additionally, historical records clearly demonstrate that the original pre-Republic colonial plat of the area had been abandoned when the town was burned to the ground in 1836. There were subsequent abandonments of newer town areas documented in cited research papers and other documents. As an example, the town donated 100 acres of land to the Texas Western Railroad for a depot with surrounding town area to encourage development. The railroad went bankrupt and the new town area with platted streets under private ownership was abandoned yet again.

While researching to defend against the persistent overreach by the Appraisal District, I discovered additional documents that show the Town had already "divested" itself of the roads in the town. This was additional evidence provided to the Chief Appraiser that the Appraisal Districts argument is without merit. Apparently, the Appraisal District made these decisions without researching the deed records. The Town Council divested its interest in all roads, streets, alleys, and bridges for the sum of \$1.00 to Austin County in 1940. This happened 17 years before the Town Council had provided a quitclaim deed to settle any dispute of ownership related to my property. Other related documents prove that the County took possession and responsibility for all roads, streets, alleys, and bridges within the Town of San Felipe city limits at that time. The documents state that only existing roads were maintained from that time moving forward due to the cost of maintenance which the town couldn't afford. Additionally, Section 251.057 of the Texas Transportation Code states: a county road is abandoned when it's use has become so infrequent that one or more adjoining property owners have enclosed the road with a fence continuously for at least 20 years. My property has been enclosed for more than 80 years. Furthermore, there are no Town or County maps after 1836 that show the old, abandoned streets within my property. The Chief Appraiser acknowledged that the documents provided to him prove that it is not possible for the Town or the County to own the old platted streets. He has still chosen not to correct the record. Why?

I believe certain Appraisal District staff targeted my property while ignoring my surrounding neighbors including an Appraisal Review Board (ARB) member with the same abandoned platted streets. I have served on the town City Council and the City Secretary has openly campaigned against me. It is no secret that the City Secretary uses her position to create issues for those she doesn't like. I find it disturbing that the Chief Appraiser would continue to ignore the facts and not correct the record. This is completely out of line with the purpose of the appraisal system and its intent. I filed a complaint with the Texas Department of licensing and regulation (TDLR) due to the Chief Appraiser not correcting the issue when provided the supporting information. I would point out the current Chief Appraiser Mr. Cook hired the previous Chief Appraiser Carmen Ottmer who initiated the original action. She currently works with the Appraisal District under the Chief Appraiser. I believe he has a legal and ethical obligation to simply assess and collect property tax. I clearly own the property within my fence line and the assertion that the Appraisal Districts actions and efforts have been with the intent of lowering my tax obligation is laughable. Ms. Deanne Gonzalez with BIS Consultants stated in her email to Susan Rosinski Tuesday August 6, 2019, "however, if you want us to merge them together, we can. This might make the district more money since you'd be taxing more acreage." This is evidence that the districts efforts were even being questioned internally.

I know this is a lot of information to review. I appreciate your consideration in this matter and have attached the related documents. If you have any questions or require additional information, please let me know.

Thank you,

Kent McAllister

Attachments:

1. Property Tax Account Information
2. Property Photo, Survey, and Deed Information
3. Austin County Appraisal District PIA Request

Please provide the documentation Susan Rosinski used to determine that the taxpayer does not own the streets. (Quitclaim deed is included in documents)

Also, please provide the documentation provided by the Town of San Felipe to Susan Rosinski verifying the taxpayer does not own the streets.
(No such document exists)

Please provide a copy or notes, memos or any other communication sent to the attorneys and a copy of the ruling provided by the attorneys. (Quitclaim deed document is missing from transmitted documents)

Please provide a copy of any correspondence to the taxpayer requesting clarification of

4. San Felipe PIA dated December 13, 2021

From: Meridian Contracting <mcallister@mcsitexas.com>
Sent: Tuesday, March 8, 2022 6:54 AM
To: Jessica Sanchez <Jessica.Sanchez@tdlr.texas.gov>
Subject: Re: Complaint filed against Greg Cook with Austin CAD, complaint #PTP20220006386/
Tracking #126915

Jessica,

Thanks for the response. I will put together the information you requested and send it to you once I have it all together. Let me know if you need anything else.

Thank you,

Kent McAllister
281-961-0334

From: Jessica Sanchez <Jessica.Sanchez@tdlr.texas.gov>
Sent: Friday, March 4, 2022 2:52 PM
To: Meridian Contracting
Subject: Complaint filed against Greg Cook with Austin CAD, complaint #PTP20220006386/ Tracking #126915

Dear Kent McAllister:

The Texas Department of Licensing and Regulation (the Department) has received the complaint you filed against Greg Cook with Austin CAD. In order for us to proceed further with our review of your complaint, we will need some additional information. Specifically, please provide me with copies of the documentation from Austin County Appraisal District showing the altered information mentioned in your complaint, a copy of your property card (if available), a copy of your deed mentioned in your complaint, copies of the recording of your protest

hearing and any documentation from the hearing, and any other documentation in support of your complaint. Exhibit 2, pg. 151 of 159

Please provide the requested information in response to this email no later than March 18, 2022, so that we may proceed with our evaluation of your complaint and determine whether an investigation is warranted. If we do not hear from you within the time frame listed above, then our department will not be able to pursue this matter and no further action will be taken on your complaint. **When you respond to this letter, please refer to the complaint number shown above**, and please direct your response to my attention. We look forward to hearing from you.

Sincerely,

Jessica Sanchez

Senior Legal Assistant

Enforcement Division- Intake

Texas Department of Licensing & Regulation

512-539-5625

Jessica.Sanchez@tdlr.texas.gov

Complaint filed against Gregory A. Cook with Austin CAD, case #PTP20220006386/ Tracking #126915

From: Jessica Sanchez Jessica.Sanchez@tdlr.texas.gov

To: Meridian Contracting mcallister@mcsitexas.com

Date: Fri, Mar 18, 2022, 3:08 PM

Complainant Opening Letter.pdf 289 KB

Dear Kent McAllister,

Please see the attached Complainant Opening Letter regarding the complaint filed against Gregory A. Cook with Austin CAD, case #PTP20220006386.

Sincerely,

Jessica Sanchez

Senior Legal Assistant

Enforcement Division- Intake

Texas Department of Licensing & Regulation

512-539-5625

Jessica.Sanchez@tdlr.texas.gov



March 18, 2022

KENT MCALLISTER
mcallister@mcsitexas.com

Re: Complaint filed against Gregory A. Cook with Austin CAD, Case #PTP20220006386/
Tracking #s: 126915, 127068, 127353, 127760, 127852, & 128138

Dear Kent McAllister:

The Texas Department of Licensing and Regulation (the Department) has received the complaint filed against Gregory A. Cook with Austin CAD. The complaint has been opened for investigation under case number PTP20220006386. The case is assigned to Investigator Armand Ramirez, who will be contacting you for information regarding the complaint.

You may contact Investigator Ramirez by email at Armand.Ramirez@tdlr.texas.gov, by phone (512) 539-5638, or by mail at: TDLR-Enforcement Division, P.O. Box 12157, Austin, TX 78711. Please provide the case number on all correspondence.

A brief description of the Department's complaint policies and procedures can be found on our website at <http://www.tdlr.texas.gov/investigation.htm>. If you cannot access this information or you would like a copy mailed to you, please call the Enforcement Division at 512-539-5600.

Sincerely,

Jessica Sanchez

Jessica Sanchez
Intake Legal Assistant
Enforcement Division



Christopher S. Jackson
Partner
3301 Northland Drive, Suite 505
Austin, Texas 78731
p: 512-610-0730
f: 512-323-6963
w: www.pbtcml.com

April 22, 2022

VIA EMAIL: armand.ramirez@tdlr.texas.gov

Mr. Armand Ramirez
Senior Investigator, Enforcement Division
Texas Department of Licensing and Regulation
P.O. Box 12157
Austin, TX 78711-2157

Re: Complaint PTP20220006386 filed by Mr. Kent McAllister against Mr. Gregory A. Cook, Chief Appraiser with the Austin County Appraisal District.

Dear Mr. Ramirez:

Your agency has initiated an investigation against Mr. Gregory A. Cook, who is the Chief Appraiser for the Austin County Appraisal District (hereinafter the "District"). *See* Ex. 1. Our law firm has been retained to assist Mr. Cook and the District regarding this matter. *See* Ex. 2. Your deadline to respond is Monday, April 25, 2022. *See* Ex. 3. Per your instructions, please accept this written response to the above referenced complaint, before the deadline, on behalf of our client.

Mr. Kent McAllister filed the above referenced complaint on approximately January 11, 2022. *See* Ex. 4. In general, Mr. McAllister complains about his ownership of land and the District's listing of it.

Mr. Cook has not committed any TDLR violations involving the allegations in this complaint. He is in full compliance with the requisite laws, rules, appraisal and operational standards, and ethics of the Texas property tax system and TDLR.

Timeline and Events

It is my understanding that in 2021 Mr. McAllister made complaints about the status of his property and made open records requests. On December 7, 2021, the District asked our law firm to review a letter and a deed relating to Mr. McAllister's properties in San Felipe, Texas. Specifically, we were asked if the deed he received from the Brenner Family Partnership included the platted but unopened streets that surrounded some of the lots that Mr. McAllister owned (the Lots). "Unopened" streets are those that appear on a plat but that have not been constructed.

My law partner, Dylan Wood, reviewed this matter for the District. Mr. McAllister's deed was provided to Mr. Wood. That deed described the property as "9.206 acres of land (being 12.666 acres less 3.46 acres in road) out of the Old Town of San Felipe..." A survey accompanied the

deed that again referenced a “12.666 total acre tract, less 3.46 acre in road and leaving NET ACREAGE of 9.209 acres...” See Ex. 5. Mr. Wood also noted that the deed also makes the conveyances “subject to” a survey plat of May 26, 2005 that references street names. Mr. Wood also noted that conveyances that are “subject to” something denotes a restriction on conveyance not an additional grant. In Mr. Wood’s opinion, the Brenner deed did not convey the streets to Mr. McAllister.

Mr. McAllister later provided additional deeds that referenced the Lots that covered the same land under the Brenner deed. See Ex. 6. One of the deeds explained that a recorded conveyance from the Town of San Felipe to a predecessor in interest was not found in the deed records of the county, but that the Town Alderman had determined that it had in fact conveyed the Lots and passed a resolution to execute a quitclaim deed for the Lots to a predecessor in interest.

Mr. Wood reviewed these deeds in Ex. 6, particularly the bottom page 7 and page 8 of the pdf version. See Ex. 7. Mr. Wood believed these deeds clearly disclaimed any interest in the lots, but no reference was made to the streets. There were no metes and bounds descriptions in either deed that would indicate the City of San Felipe was disclaiming any interest in the platted streets or that the conveyance was for anything besides the platted lots. The only reference made was to the Lots themselves.

Further, there is an Owner’s Title Policy that appears to exclude streets and lists the land in the policy as “9.209 acres (12.666 acres less 3.46 ACRES IN ROAD”. See Ex. 8. Mr. Wood advised the District and Mr. Cook that the deeds that identified the Lots did not appear to include the streets. It is our understanding that Mr. Wood’s opinion was shared with Mr. McAllister, which led to his complaint to TDLR against Mr. Cook.

Response

Under Texas law, once dedicated, a plat that includes land for streets becomes irrevocable. *Copeland v. City of Dallas*, 454 S.W.2d 279, 284 (Tex. Civ. App.—Dallas 1970 writ ref’d n.r.e)(citations omitted). It does not matter that the streets are not immediately opened. *Id* at 285. In Mr. McAllister’s matter, it appears that the streets were dedicated to the Town of San Felipe by the Mexican government when this area of Texas was a colony and prior to the formation of the Republic of Texas. While the streets may never have been opened and people over the years have used the unopened streets as if it was their own land, including the construction of improvements, adverse possession does not against a city. Tex. Civ. Prac. & Rem. Code Ann. § 16.061.

The deeds that Mr. McAllister referenced do not show that the streets were “vacated,” they merely identify the Lots, and the District has identified the Lots in the legal descriptions of Mr. McAllister’s property cards. See Ex. 9.

There is a legal process in place for Home Rule of General Law cities to close or vacate dedicated streets. Tex. Transp. Code Ann. § 311.007, 311.008. Until clear evidence exists that the streets have been vacated, the District must go by what is on the deeds. The deeds only mention lots.

The District is charged with appraising property for tax purposes. Tex. Tax Code Ann. § 23.01. The District does *not* determine title to land, which can only be made in a Trespass to Try Title action. Tex. Prop. Code Ann. 22.001. Mr. McAllister's claims that the District is "taking land" is incorrect.

Prior to 2018, the District assumed that Mr. McAllister owned land that had an effective acreage of 15.26, which included 3.46 acres of unopened streets. For the 2018 tax year, the District could not conclude that Mr. McAllister owned the unopened streets and thus reduced his effective acreage by 3.46 acres, which totaled 11.836 acres.

This action did not "take" any property away from Mr. McAllister. He still owns the land he originally obtained title to and the District cannot determine title. The only practical impact is that Mr. McAllister's tax bill was reduced because of the District's determination.

Mr. McAllister did file a protest on May 30, 2019, with the Austin County Appraisal Review Board for the 2019 tax year. *See* Ex. 10. It identified multiple grounds for protest including "Other: Property boundaries and use." The use of "Other" is allowed under Tax. Tax Code Ann. § 41.41(a)(9) to protest "any other action of the chief appraiser, appraisal district, or appraisal review board that applies to and adversely affects the property owner." Mr. McAllister protested the boundary issue to the appraisal review board, which issued orders denying the protest on September 24, 2019. Under state law, Mr. McAllister could have appealed the decision of the appraisal review board to district court within 60 days after receiving the notice of the order, but he failed to do so. Tex. Tax Code Ann. § 42.21(a). Mr. McAllister did not protest the "property boundaries" matter in either 2020 or 2021.

Mr. Cook denies Mr. McAllister's allegation in his complaint that he or his staff have denied Mr. McAllister due process, made false statements of fact, omitted relevant information to support claims, acted illegally, taken land, or violated the law and constitution. *See* Ex. 4.

This matter should be dismissed because it does not credibly allege a violation.

Ms. McAllister's complaint should be dismissed because the Texas Legislature amended Texas Occupations Code Section 1154.204 in 2013 to state: **DISMISSAL OF COMPLAINTS**

- (a) After investigation, the department **may dismiss a complaint**, in part or entirely, without conducting a hearing if the **complaint does not credibly allege a violation** of this chapter or the standards established by the commission for registrants under this chapter.
- (b) **After investigation, the department shall dismiss a complaint, in part or entirely, without conducting a hearing if:**
 - (1) **the complaint challenges:**
 - (A) the imposition of or failure to waive penalties or interest under Sections 33.01 and 33.011, Tax Code;
 - (B) the appraised value of a property;
 - (C) the appraisal methodology;

- (D) the grant or denial of an exemption from taxation; or
 - (E) **any matter for which Title 1, Tax Code, specifies a remedy, including an action that a property owner is entitled to protest before an appraisal review board under Section 41.41(a), Tax Code; and**
- (2) **the subject matter of the complaint has not been finally resolved in the complainant's favor by an appraisal review board, a governing body, an arbitrator, a court, or the State Office of Administrative Hearings under Section 2003.901, Government Code.**

Mr. McAllister's allegations in his complaint are not credible or valid. Further, they have been brought before the Austin County ARB and were not resolved in his favor. Therefore, this matter should be quickly dismissed.

Conclusion

Mr. Cook has acted in good faith regarding this matter. He sought and obtained the advice of legal counsel and he also acted within his authority regarding the effective acreage of Mr. McAllister's property in listing it in the District's records.

If it is ultimately determined someday in a court of law that Mr. McAllister indeed does own the unopened city streets, Mr. Cook would have "got it wrong," however, he has not acted outside of his authority. *See Williams v. Houston Firemen's Relief and Retirement Fund*, 121 S.W.3d 415, 430 (Tex. App.—Houston [1st Dist.] 2003, no pet.). Mr. Cook has followed the Texas Property Tax Laws and Rules regarding the allegations in this matter. Mr. McAllister's complaint as to Mr. Cook, or the District, its staff, and their actions is baseless and deserves to be dismissed quickly.

If we can be of any further assistance to you in this matter during your investigation, please do not hesitate to contact me.

Sincerely,

/S/ Christopher S. Jackson

Christopher S. Jackson
Attorney-At-Law

cc: Mr. Gregory A. Cook, Chief Appraiser, Austin County Appraisal District—Via Email
Mr. A. Dylan Wood, Partner, PBFCM — Via Email



Texas Department of Licensing and Regulation

Enforcement Division

P. O. Box 12157 • Austin, Texas 78711 • (512) 539-5600 • (800) 803-9202 • fax (512) 539-5698

Website: www.license.state.tx.us

March 9, 2023

KENT MCALLISTER
PO BOX 418
SAN FELIPE TX 77473-0418

Re: Quarterly update on case number: **PTP20220006386**

Dear Kent Mcallister:

This letter is to inform you of the status of case number PTP20220006386.

STATUS: This case is open and under review by prosecutor Rebecca Burkhalter.

You will continue to be notified quarterly of the status of this case until it is resolved.
Please contact us if you have any questions or concerns.

Sincerely,

Rebecca Burkhalter
Prosecutor



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September 1, 2023

KENT MCALLISTER
PO BOX 418
SAN FELIPE TX 77473-0418

Re: Quarterly update on case number: **PTP20220006386**

Dear Kent Mcallister:

This letter is to inform you of the status of case number PTP20220006386.

STATUS: This case is open and under review by prosecutor Rebecca Burkhalter.

You will continue to be notified quarterly of the status of this case until it is resolved.
Please contact us if you have any questions or concerns.

Sincerely,

Rebecca Burkhalter
Prosecutor

Kent McAllister
223 Park Rd 38
Sealy, Texas 77474

County Judge's Office
Received 2-10-22
By ER



February 10, 2022

Tim Lapham
County Judge, Austin County
One East Main
Bellville, Texas 77418

To Whom It May Concern,

Under the Texas Public Information Act, §6252-17a et seq., I am requesting copies of public records listed below.

In a February 1, 1940 Commissioners Court meeting, the court assumed the control and full responsibility of the maintenance and upkeep of all roads, streets, and alleys and of all bridges within the boundaries of San Felipe de Austin in the same manner and to the same extent that the Commissioners Court of Austin County, Texas, is authorized by law to control, maintain and keep up other roads, streets and alleys and bridges in Austin County Texas.

1. Please provide any documents that may exist amending the resolution from the date of execution through today.

If there are any fees for copying these records, please inform me if the cost will exceed \$ 25.00.

The Texas Public Information Act requires that you "promptly produce" the requested records unless, within 10 days you have sought an Attorney General's Opinion. If you expect a significant delay in responding to this request, please contact me with information about when I might expect copies or the ability to inspect the requested records.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Sincerely,



Kent McAllister
mcallister@mcsitexas.com

281-961-0334

OFFICIAL RECEIPT

Carrie Gregor, Austin County Clerk
One East Main
Bellville, Texas 77418
Phone Number: (979) 865-5911
Fax Number: (979) 865-0336



Payor
KENT MCALLISTER

Receipt No.
2022-228775

Transaction Date
02/10/2022

Description		Amount Paid
Miscellaneous Payment		
	Copies	4.00
	SUBTOTAL	4.00
PAYMENT TOTAL		4.00
Cash Tendered		5.00
Total Tendered		5.00
Change		1.00
02/10/2022 01:41 PM	Cashier Station VLT	Audit 1292345

OFFICIAL RECEIPT

**INTERLOCAL AGREEMENT FOR
STREET MAINTENANCE BETWEEN
AUSTIN COUNTY PRECINCT 3 AND CITY OF SAN FELIPE**

Austin County "COUNTY" and San Felipe "CITY" recognize that situations arise demanding the combined efforts of two or more governmental units to provide street maintenance.

Chapter 791, Texas Government Code, authorizes entry into agreements by and between local political subdivisions for the provision of governmental functions, services and administrative functions.

COUNTY and CITY desire to participate and cooperate in various street maintenance projects to maximize the efficiency, the availability of funds, labor, equipment and expertise of each entity.

COUNTY and CITY, have determined that it would be in the best interest of its citizens and inhabitants, to enter into an Interlocal Agreement "AGREEMENT" in order to provide better street maintenance by authorizing cooperation;

NOW, it is mutually agreed by and between COUNTY and CITY, as follows:

ARTICLE I

Scope or Services

1.01 Services in General:

COUNTY and CITY agree to render mutual street maintenance services and make available resources for such aid, providing that it is understood that the party rendering aid may withhold resources to the extent necessary to provide reasonable protection for the citizens within its jurisdiction. Requests for aid pursuant to this Agreement shall be made by and to the respective County Judge, Mayor, or their designated representatives. It is understood that each party, while rendering aid under this agreement, shall retain the same powers, duties, rights, privileges, and immunities as if it were performing its duties in the jurisdiction in which it is normally employed or rendered services.

1.02 Standard of Services:

It is agreed that parties to this Agreement shall make requisite assurances that all service personnel have the certification, qualifications, skill and expertise to perform the scope of services to be rendered.

1.03 Specific Service:

It is agreed that CITY shall purchase all materials for street repair and maintenance within CITY'S boundaries. CITY shall reimburse COUNTY for equipment usage with exchange of services such as access and use of asphalt mixing site. The County Commissioner of Precinct 3, of COUNTY, may after being requested by CITY, provide the labor and equipment necessary to perform the street repair and maintenance.

ARTICLE II**Remuneration**

2.01 Reimbursement for Services: n/a

2.02 Reimbursement for Costs: n/a

ARTICLE III**Liability**

3.01 COUNTY agrees to indemnify and hold CITY harmless with respect to any claim, demand, or suit based upon any service by CITY arising under this Interlocal Agreement. Notwithstanding any of the above provisions, if it is determined that CITY is solely negligent with regard to any claim, demand, or suit arising out of this Interlocal Agreement, CITY will hold COUNTY harmless and indemnify COUNTY for costs incurred.

3.02 CITY agrees to indemnify and hold COUNTY harmless with respect to any claim, demand, or suit based upon any service by COUNTY arising under this Interlocal Agreement. Notwithstanding any of the above provisions, if it is determined that COUNTY is solely negligent with regard to any claim, demand, or suit arising out of this Interlocal Agreement, COUNTY will hold CITY harmless and indemnify CITY for costs incurred.

3.03 It is understood that liability to all parties is limited by existing laws.

3.04 It is expressly understood and agreed that each party shall have no liability for the wages, disability payments, pension payments, damage to equipment and clothing, medical expenses, expenses of travel, food, lodging or other compensation, or expenses of personnel of another party's employees, regardless or whether the personnel performed services outside the jurisdiction of his or her employer.

ARTICLE IV

Time of Performance

4.01 It is expressly understood and agreed that the terms of this Agreement, shall become effective on January 1, 2013.

ARTICLE V

Termination

5.01 It is expressly understood and agreed that this Agreement automatically terminates on the 31st day of December, 2013 and must be renewed annually.

5.02 It is expressly understood and agreed that this Agreement may be terminated at any time without cause by either party upon thirty (30) days written notice to the other parties.

Notice shall be given by registered or certified mail, return receipt requested, to the other party at the addresses set out below:

City of San Felipe

San Felipe, TX 77473 Attention: Mayor

**County of Austin
County Courthouse
Bellville, Texas 77418
Attention: County Judge**

ARTICLE VI

Laws, Statutes and Ordinances

6.01 The parties shall observe and comply with all federal, state, county and city laws, rules, ordinances and regulations in any manner affecting the conduct of services herein provided and performance of all obligations undertaken by this Agreement.

ARTICLE VII

This instrument contains the entire Agreement between the parties relating to the rights granted and the obligations assumed. Any oral representations or modifications concerning this instrument shall be of no force or effect excepting a subsequent modification in writing signed by all the parties.

IN WITNESS WHEREOF, the parties have caused this Interlocal Agreement to be signed and approved by the proper officers of each of the contracting parties, and attested by the proper officers on the dates written below.

SIGNED on 5/1/2013, 2013 in duplicate originals by order of City Council of San Felipe.

Mayor of San Felipe

By: Bobby Bryan

Attest:

Shirley Wiley
City Clerk

SIGNED on December 21, 2012, in duplicate originals by order of
Commissioners Court of Austin County.

County of Austin

By: Carolyn Bilski
Carolyn Bilski County Judge

Attest:

Carrie Gregor
Carrie Gregor, County Clerk
Raymond Starnes
Deputy

RE: FOI request

From: Tim Lapham tlapham@austincounty.com

To: Meridian Contracting mcallister@mcsitexas.com

Date: Fri, Feb 11, 2022, 4:51 PM

We have looked before and not been able to locate anything else related to this matter. I don't know when the interlocals began. They would have been approved in court so the clerk's office would have record of that each year. Sorry I can't be of more help than that but that's all the information I have.

Tim Lapham

County Judge, Austin County

One East Main

Bellville, Texas 77418

(979) 865-5911

(979) 865-8786 fax



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From: Meridian Contracting [<mailto:mcallister@mcsitexas.com>]

Sent: Friday, February 11, 2022 12:23 PM

To: Tim Lapham <tlapham@austincounty.com>

Subject: Re: FOI request

Tim,

Thanks for the quick response. I understand that the Interlocal Agreement addresses a mutual agreement for maintenance, but I am trying to find documents related to the control of streets within the Town of San Felipe. The Resolutions passed in February of 1940 by Austin County and San Felipe transferred all control of streets from San Felipe to Austin County.

"Now therefore, we the duly elected officers of the municipal corporation of the town of San Felipe de Austin, do here and now divest this council and it's successors in office of any control over the streets, roads, alleys, and bridges within the boundaries of said municipal corporation as shown by a map now on record in the County Clerks office in Austin County, Texas "

I am trying to find documents responsive to any updates that might have been made to that original agreement. If there had been any changes, do you know what year and where I could find the documents? I am having issues with the Appraisal District related to the old Pre-Republic roads within my property. I provided the quitclaim resolution from the Town, but that wasn't good enough apparently. I am gathering the additional information needed to defend my property rights. Any information you can provide related to the original agreements is appreciated. Also, when did the Interlocal Agreements begin, do you know?

Thanks,

Kent McAllister

281-961-0334

From: Tim Lapham <tlapham@austincounty.com>

Sent: Friday, February 11, 2022 10:47:02 AM

To: Meridian Contracting <mcallister@mcsitexas.com>

Subject: FW: FOI request

Kent,

As I have provided to Cynthia, find the attached Interlocal agreement with the City of San Felipe. This agreement is renewed every year. This is all the documentation that is in my office regarding roads in San Felipe.

Tim Lapham

County Judge, Austin County

One East Main

Bellville, Texas 77418

(979) 865-5911

(979) 865-8786 fax



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From: Tim Lapham [<mailto:tlapham@austincounty.com>]

Sent: Wednesday, October 14, 2020 12:36 PM

To: 'Cynthia Kelly' <cynthia.kelly@sanfelipetexas.com>

Subject: RE: FOI request

What I can find in the file is Interlocal agreements such as the one attached. Feel free to come by and

review what we have and decide what you would like copies of. Thanks.

Tim Lapham

County Judge, Austin County

One East Main

Bellville, Texas 77418

(979) 865-5911

(979) 865-8786 fax



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From: Cynthia Kelly [<mailto:cynthia.kelly@sanfelipetexas.com>]

Sent: Wednesday, October 14, 2020 12:22 PM

To: Tim Lapham <tlapham@austincounty.com>

Subject: Re: FOI request

Yes Sir. We have done an extensive search at the clerks office and found nothing to indicate a reversal from the 1940 document showing that Austin County is responsible for the upkeep of the roads and bridges in San Felipe. It was suggested that we check with your office incase there was a document that indicated differently. Just making sure we are following up on all possibilities. We appreciate your

assistance.

Cynthia.

Sent from my iPhone

On Oct 14, 2020, at 12:11 PM, Tim Lapham <tlapham@austincounty.com> wrote:

Cynthia,

I will look thru our files but what you will need is documentation approved by Commissioner's Court and recorded. This would be in the County Clerk's office as they are the keeper of records for the Commissioner's Court.

Tim Lapham

County Judge, Austin County

One East Main

Bellville, Texas 77418

(979) 865-5911

(979) 865-8786 fax

<image002.png>

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From: Cynthia Kelly [<mailto:cynthia.kelly@sanfelipetexas.com>]

Sent: Wednesday, October 14, 2020 8:54 AM

To: tlapham@austincounty.com

Subject: FOI request

Good Morning Judge,

I hope this email finds you well. I have attached an FOI for records to this email. Thank you for your attention to this matter.

Sincerely,

Cynthia Kelly

San Felipe de Austin

“Colonial Capital of Texas”

Cynthia.kelly@sanfelipetexas.com
